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Submitting Material for Publication

We encourage our readers to consider submitting material on early North American numismatics to CNL for publication. In general, this includes coins, tokens, paper money, and medals that were current before the U.S. Federal Mint began operations in 1793. However, there are certain pieces produced after the 1793 date that have traditionally been considered part of pre-Federal numismatics and should be included. We cover all aspects of study regarding the manufacture and use of these items. Our very knowledgeable and friendly staff will assist potential authors to finalize submissions by providing advice concerning the text and help with illustrations. Submissions in either electronic or hard copy format, should be sent to the editor via the e-mail address given above or through the ANS at their postal address. Electronic text submissions should be formatted in Word with separate grayscale images.



Editorial

A great deal of credit for this penultimate issue of *The Colonial Newsletter* with me at the helm should go to the incoming Editor, Chris McDowell, who was responsible for drumming up the content of the three main features—two of which are from first-time contributors to these pages. Signs of good things to come for *CNL*.

The first, by Danielle List, a legal colleague of McDowell's at Strauss Troy, paints a very clear picture of how the Hobby Protection Act applies to Colonial coins and can offer collectors a defense against modern fakes sold as authentic. This article is especially important since it notes recent modifications to the 1973 Act that improve protection and points out how very rarely collectors have taken advantage of its protection.

Readers will also find the case history in the article interesting from the Colonial numismatic perspective, since *In re Gold Bullion* we find the creators of the fakes trying to skirt the law by marking their coins with dates other than those used on the official coins that they copy. Sound familiar? While this means of avoiding prosecution was popular among counterfeiters of British halfpence in the eighteenth century we can all be thankful that in the twenty-first century, under the Hobby Protection Act, manipulating

dates does not automatically turn an otherwise deceptive fake into an innocent reproduction.

The second article is a full biography of Col. William H. Coley of Vermont copper fame. It is particularly notable in that it has been written by Linda Call Dodge, a great-great-great-granddaughter of the Colonel.

Our third feature is by John Kleeberg who is no stranger to the readers of *CNL*. This time he tackles the iconography of John Chalmers' silver coinage and comes up with what seems like a more convincing interpretation than that offered by Breen. However, while the iconography is John's main focus, the article is equally important for its vindication of Chalmers as a coiner and putting to rest the modern suspicion that he debased his silver for personal profit.

CNL-161 concludes with the plate series devoted to the Colonial holdings of the American Numismatic Society. This time around we continue coverage of Connecticut and New Jersey coppers and Massachusetts silver. Chalmers' silver is also thrown into the mix as a supplement to John Kleeberg's article.

Oliver D. Hoover
CNL@numismatics.org

Editorial

I want to thank Oliver Hoover for his assistance during this transition. The more I work on *The Colonial Newsletter*, the more I realize that I have a lot yet to learn and Oliver has been generous with his time and knowledge. He has already told you what is in this issue so I will not plow that field again, but look instead to the future.

I am quickly learning that the best thing about this job is talking to people who are working on exciting topics and eager to put their thoughts on paper. As we close out CNL-161, we already have enough articles to fill the pages of our next issue. CNL-162 will push the limits in terms of extended content and new ideas. Indeed, I may have to request permission to publish an expanded issue! My goal in the next year is to increase content while maintaining the quality of this publication.

Based on the number of people who have talked to me and agreed to write articles, I am convinced that CNL has a bright future. When I took this position I knew there were many unexplored topics and untapped authors, but I now realize there is more out there than I could have ever imagined. If you have an idea for an article, but do not know if it is right for CNL or need assistance, please contact me at 513.378-7657 or crmcdowell@straussrtoy.com to discuss the matter.

CNL was conceived as a place where ideas could be exchanged through the publication of scholarly articles by its subscribers. CNL is your publication. There is not a long line of associate university professors hoping to obtain tenure by publishing an article in the area of numismatics—articles must come from you, our subscribers. Every

person reading these words is the expert in some aspect of colonial numismatics. In the university setting they talk about “publish or perish,” but in the field of colonial numismatics we should say, “publish or the knowledge will perish with you.” You owe it to posterity to share your knowledge with the community of readers of this publication and future generations.

Again, CNL is your publication, so if you want to see more on a certain topic, let me know. If you disagree with something you have read, write an article setting forth your difference of opinion and substantiating your point of view. It is only through the free exchange of ideas that we will together uncover the answers to the numismatic mysteries that plague colonial coinages.

In short, the future is bright for CNL and those interested in publishing their research in its pages and I hope that all our subscribers will endeavor to be part of this renaissance by submitting an article. I am particularly interested in hearing from those subscribers who have not contributed for a while.

Christopher R. McDowell

The Hobby Protection Act's Safeguards for Colonial Coinage

by

Danielle List; Cincinnati, OH

In the May 1971 issue of *The Colonial Newsletter*, then Editor and Publisher, James Spilman, remarked that "[t]he problem of unmarked replicas of Colonial American and other coinages reached serious proportions during 1967 when several firms started distribution of large quantities of unmarked replicas through various outlets of promotional material."¹ In that same article, Spilman published a letter he received from Eva Adams, Director of the United States Mint, dated July 24, 1967, in reply to his inquiry about the reproduction of colonial coins (Fig. 1).² In her letter, Mint Director Adams states that the Treasury Department "is not charged with the enforcement of any law which might prohibit the reproduction of coins of the Colonies issued prior to the beginning of operations by the Mint."

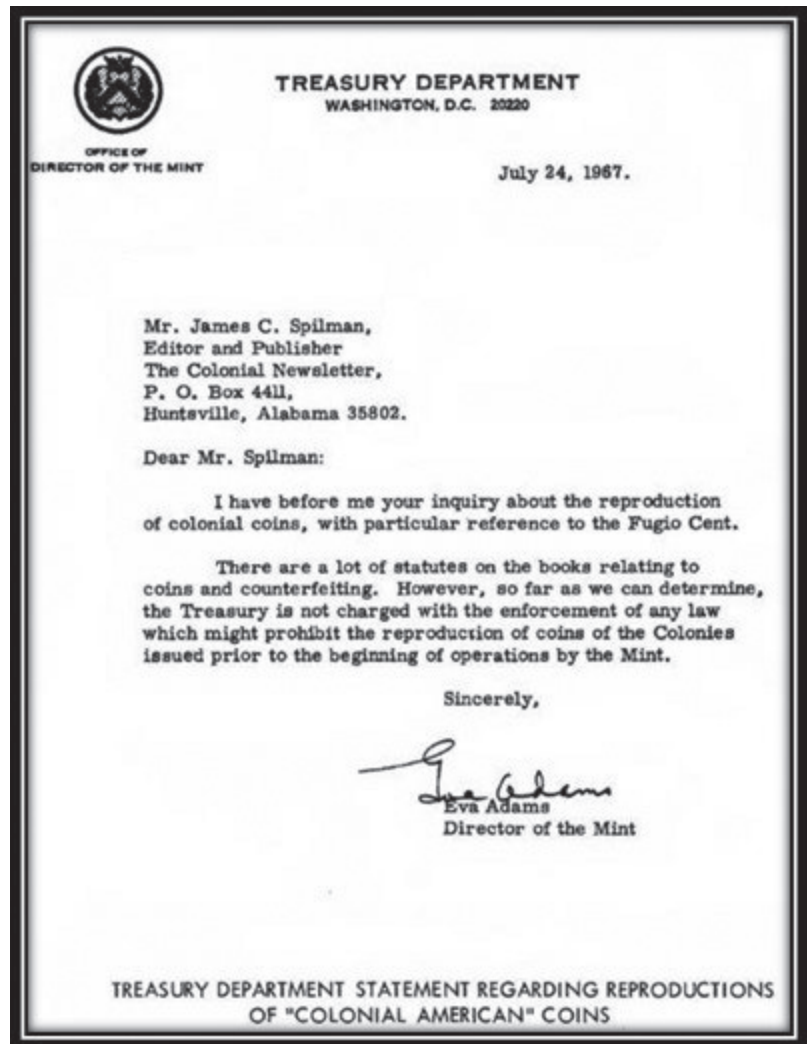


Figure 1. Letter from Eva Adams to James Spilman, July 24, 1967.

Over 45 years have passed since Mr. Spilman first called attention to the issue of unmarked replicas of colonial coins and the problem has only grown in depth and duration. Now, highly sophisticated replicas of colonial coins are being imported from China and around the world, causing not only the average hobbyist, but also the experts and professional grading services to be deceived. Despite the increasing pervasiveness of this problem, one improvement that

¹ James C. Spilman, "Editor's Notebook," *The Colonial Newsletter*, Serial No. 31, Vol. 10, No. 2 (May 1971): 315–319.

² Ibid.

has occurred since Mr. Spilman's note is that we have been given a weapon to combat such deceit, that is, the Hobby Protection Act of 1973 ("HPA").³

Given that the May 1971 note by Mr. Spilman was the last time *CNL* referred to HPA—and the fact that it was only a bill in 1971—it is time that the law governing numismatic replicas is examined in detail. This article will walk through HPA by summarizing its contents along with its corresponding rules and amendments. Additionally, it will review how HPA has been enforced and how it applies to certain categories of colonial coins. Finally, commentary on HPA will be included in an attempt to maximize the law's impact.

I. The Hobby Protection Act: An Overview

HPA was signed into law on November 29, 1973 by President Nixon. As the legislative history reveals, the need for the law was prompted by the growing incidence of hobbyists purchasing replica coins and political items, believing them to be originals.⁴ While criminal counterfeit laws⁵ were sufficient to prohibit replicas of existing circulating currency, the perception was that, as pointed out by Director Adams in her 1967 letter to Mr. Spilman, the problem could not be adequately addressed through existing statutes on counterfeiting and fraud and so a special statute was needed for coins that were no longer legal tender.⁶ Therefore, HPA was designed as a consumer protection statute to fill this void.⁷ Moreover, HPA was originally directed at protecting the average or novice hobbyist with the rationale being that experts would be able to identify imitation coins on their own. Thus, in an effort to simplify the identification of replicas, HPA requires those who manufacture and import any "imitation numismatic item"⁸ to "plainly and permanently" mark the items with the word "COPY."⁹ HPA assigns responsibility to the Federal Trade Commission ("FTC") for prescribing the rules and regulations for the precise "manner and form" in which the imitation numismatic items must be permanently marked.¹⁰ Further, HPA makes any violation unlawful and an unfair or deceptive act or practice in commerce under the Federal Trade Commission Act, 15 U.S.C.A § 41 et seq.,¹¹ and subject to seizure and forfeiture under customs laws upon importation.¹² As to enforcement of the violations, HPA provides that it may be enforced by "any interested person"¹³ or the FTC.¹⁴ The private right of action not only allows any interested person to obtain injunctive relief to restrain the violation, but also the potential for any damages, legal costs, and reasonable attorneys' fees incurred.¹⁵ In order to bring a private lawsuit for a violation under HPA, an individual would have to file a complaint in federal, as opposed to state, court in a district that would be appropriate under 28 U.S.C.A. § 1391.¹⁶ HPA clarifies that its provisions are meant to supplement, as opposed to substitute or limit, other similar laws.¹⁷ Finally, HPA only applies to items manufactured after November 29, 1973.¹⁸

3 Hobby Protection Act, Pub. L. No. 93-167, 87 Stat. 686 (codified as U.S.C. §§ 2101–2106 [1973]).

4 H. Rep. No. 93-159, at 100 (1973).

5 See generally, 18 U.S.C. Pt. I, Ch. 25.

6 H. Rep. No. 93-159, at 101 (1973).

7 Ibid.

8 NB: HPA also sets forth requirements for "imitation political items," which are not the subject of this article.

9 15 U.S.C. § 2101(b).

10 15 U.S.C. § 2101(c).

11 § 2101(b).

12 § 2104.

13 § 2102 (a).

14 § 2103 (a).

15 § 2102 (a).

16 Ibid.

17 § 2105.

18 Hobby Protection Act, Pub. L. No. 93-167, 87 Stat. 686 (codified as U.S.C. §§ 2101–2106 [1973]).

As directed by HPA, FTC promulgated the Rules¹⁹ implementing the marking requirements for imitation numismatic items²⁰ in 1975. The Rules, which are still controlling, set forth definitions that generally conform with the definitions established in HPA.²¹ Notably, an “imitation numismatic item” is defined as encompassing “an item which purports to be, but in fact is not” either (1) “an original numismatic item” or (2) “a reproduction, copy, or counterfeit of an original numismatic item.”²² While the term includes “an original numismatic item which has been altered or modified” to look like a different “original numismatic item,” the term does not include any “re-issue or re-strike” by either the United States or any foreign government.²³ An “original numismatic item” is thereafter broadly defined as encompassing “anything which has been a part of coinage or issue” which has either been (1) “used in exchange” or (2) “used to commemorate a person, object, place, or event.”²⁴ This extends to “coins, tokens, paper money, and commemorative medals.”²⁵

Critically, the Rules prescribe the “plain and permanent” marking requirements for imitation numismatic items by establishing that the word “COPY” be in English capital letters on either the obverse or reverse surface of the item, not the edge.²⁶ The Rules further indicate that “COPY” should be in sans-serif letters and conform to minimum sizing and proportional requirements.²⁷ For instance, the height of the word “COPY” cannot be less than 2.0 mm or 1/6 of the diameter of the replica.²⁸ Similarly, the horizontal requirements state that “COPY” cannot be less than 6.0 mm or 1/2 of the diameter of the reproduction.²⁹ Finally, for items made of incusable material, the minimum depth requirements for “COPY” is 0.3 mm or half the thickness of the reproduction.³⁰

	Incusable Material	Nonincusable material
Minimum Vertical Dimension	2.0 mm or 1/6 diameter of reproduction	2.0 mm or 1/6 diameter of reproduction.
Minimum Horizontal Dimension	6.0 mm or 1/2 diameter of reproduction	6.0 mm or 1/2 diameter of reproduction
Minimum Depth	0.3 mm or 1/2 thickness of reproduction	N/A

As originally enacted, HPA only covered the manufacture and importation of imitation numismatic items, not their transfer into the stream of commerce. Recently, HPA was expanded to cover this loophole with a set of amendments known as the Collectible Coin Protection Act (“CCPA”).³¹ CCPA, which was signed into law on December 19, 2014 by President Obama, broadens the scope of HPA to include the “sale in commerce” of imitation numismatic items. This was added in order to address the resale of imitation numismatic items in secondary markets, as well as practices that did not necessarily fall into HPA’s other categories of manufacturing

19 16 C.F.R § 304 (2016).

20 Again, like HPA, the Rules also govern “imitation political items” and therefore, set forth definitions and marking requirements pertaining to the regulation of these items as well.

21 Compare 16 C.F.R § 304 and 15 U.S.C. § 2106.

22 § 304.1(d).

23 Ibid.

24 § 304.1(f).

25 Ibid.

26 § 304.6.

27 Ibid.

28 Ibid.

29 Ibid.

30 Ibid.

31 Collectible Coin Protection Act, Pub. L. No. 113-288 §§1–2, 128 Stat. 3281 (codified as amended at 15 U.S.C. §§ 2101–2106 [2014]).

and importing.³² Additionally, CCPA expands the liability imposed by HPA to any person who “provides[s] substantial assistance or support to any manufacturer, importer, or seller if that person knows or should have known” that the person he or she is assisting is violating the marking requirements of HPA.³³ While these changes have yet to be reflected in the Rules, FTC has recently proposed to align the Rules with the amended HPA.³⁴

II. Enforcement

HPA provides both private individuals and FTC with the right to enforce violations. Despite the plethora of violations, actual enforcement of HPA has been sparse. Since the law’s passage in 1973, there appears to have only been two civil actions brought by private parties and two publicly reported administrative actions brought by FTC.

In re Gold Bullion:

The first enforcement action brought by FTC in 1978 helped elucidate the somewhat amorphous terms and applicability of HPA.³⁵ In its complaint, FTC alleged that Gold Bullion International, Ltd. (“Gold Bullion”), a corporation formed in 1974 to import, sell and distribute gold bullion coins and products, violated HPA by importing a number of privately-minted, unmarked copies of gold coins, such as the German 5-, 10-, and 20-Reichsmarks, Mexican 50-pesos, and Austrian 100-coronas.³⁶ All of the gold coins sold by Gold Bullion were manufactured by B. H. Mayer’s Kunstprägeanstalt KG (“Kunstprägeanstalt”) in West Germany.³⁷ Since Kunstprägeanstalt claimed it did not maintain records of its shipments and HPA does not retroactively apply to numismatic items manufactured before its enactment, one of the threshold issues before the Court was to determine when the coins were manufactured.³⁸ As many of the copies were manufactured using original dies created after Gold Bullion’s formation, it was inferable that the coins made with those dies were subject to HPA.³⁹ Nonetheless, for the coins that lacked any comparable time indicators, HPA did not apply.⁴⁰

Another crucial issue was whether the coins were copies of “original numismatic items,” that is, whether the coins purported to be coinage which was either “used in exchange” or “used to commemorate a person, place, or event.”⁴¹ While the coins were clearly not commemorative, Gold Bullion also posited a creative, yet flawed, argument that some of the coins, such as the 1947 Mexican peso and government restrikes, were not “used in exchange” either.⁴² According to Gold Bullion, these coins fell outside HPA because their value was linked to the current price of gold and not to face value.⁴³ In rejecting this argument, the Court looked to the congressional hearings on HPA and determined that it was the Legislature’s intent to attribute a broad meaning to the phrase “used in exchange.”⁴⁴ As such, the requirement for a numismatic item to be “used in exchange” would not be dependent upon whether the item was once legal tender, but whether it was “used in the normal flow of commerce” or “actively traded in the

³² Ibid.

³³ Ibid.

³⁴ 81 Fed. Reg. 23219-01 (proposed April 20, 2016) (to be codified at 16 F.F.R. pt. 304).

³⁵ *In re Gold Bullion International, LTD.*, 92 F.T.C. 196, 1978 WL 206504 (1978).

³⁶ Ibid. at *1 (referred to by the court as “Corponas”).

³⁷ Ibid. at *4–5.

³⁸ Ibid. at *5.

³⁹ Ibid. at *6.

⁴⁰ Ibid.

⁴¹ Ibid. at *11.

⁴² Ibid.

⁴³ Ibid.

⁴⁴ Ibid.

marketplace and [...] used as a means of payment.”⁴⁵ Moreover, in regard to the government restrikes, it was of no consequence that the government did not intend the originals to be used in exchange.⁴⁶

Additionally, Gold Bullion challenged the application of HPA to a number of coins labeled as the Wilhelm II 20-Mark (1887) and Wilhelm II 10-Mark (1888).⁴⁷ While the German government did issue coins matching these descriptions in the subsequent years of 1888 and 1889, respectively, it did not circulate the coins in the years stated on Gold Bullion’s coins.⁴⁸ Since coins with these specific descriptions were never circulated by Germany, the Court initially agreed with Gold Bullion’s argument that the coins could not be imitations of original numismatic items and, therefore, could not be subject to HPA.⁴⁹

Finally, Gold Bullion attempted to argue that their coins did not purport to be original numismatic items and were, in fact, easily distinguishable by virtue of their “fineness” marks.⁵⁰ Again looking at the legislative history that preceded HPA, the Court concluded that the Legislature had duly considered alternative markings to distinguish originals from imitations and selected the word “COPY” because “it is short, compact, and easily understood by everyone.”⁵¹ Critically, the Court emphasized that HPA does not impose a “requirement that knowledge or intent to deceive be shown,”⁵² and that “[n]o substitutions for the word ‘COPY’ can be made without violating [HPA].”⁵³

Both parties subsequently appealed the administrative court’s decision to the Commissioner of FTC.⁵⁴ The Commissioner largely agreed with the lower court’s opinion, notably endorsing the broad definition attributed to the phrase “used in exchange,” and the finding that there could be no substitute for the marking of “COPY” on an imitation numismatic item.⁵⁵ In this same vein, however, the Commissioner found that the lower court erred in not finding violations of HPA with regard to the Wilhelm II 20-Mark (1887) and Wilhelm II 10-Mark (1888).⁵⁶ The Commissioner acknowledged that Germany never issued coins matching these precise descriptions, but reasoned that imitation numismatic items need not be exact replicas in order to be considered copies or reproductions within the meaning of HPA.⁵⁷ Therefore, the differences in the years of the coins issued by Gold Bullion versus the years of the actual coins circulated by Germany were not significant enough for the Gold Bullion coins to fall out of HPA’s reach.⁵⁸

DeMarco v. Nat’l Collector’s Mint, Inc.:

The first private enforcement case under HPA was a class action lawsuit brought by purchasers of the “Freedom Tower Silver Dollar” against the seller of the coin, National

45 Ibid.

46 Ibid.

47 Ibid. at *7

48 Ibid.

49 Ibid.

50 Ibid. at *10.

51 Ibid. at *11 (citing *Bills to Protect Certain Hobbyists and Collectors of Antique Glassware and China: Hearings on H.R. 4678, H.R. 1068, H.R. 3448, H.R. 3747, and H.R. 4551 Before the Subcomm. On Commerce and Finance of the House Comm. on Interstate and Foreign Commerce*, 93d Cong., 1st Sess. 34, 44–45 (1973)).

52 Ibid. at *10.

53 Ibid. at *11.

54 Ibid. at *15.

55 Ibid. at *17.

56 Ibid. at *19.

57 Ibid.

58 Ibid.

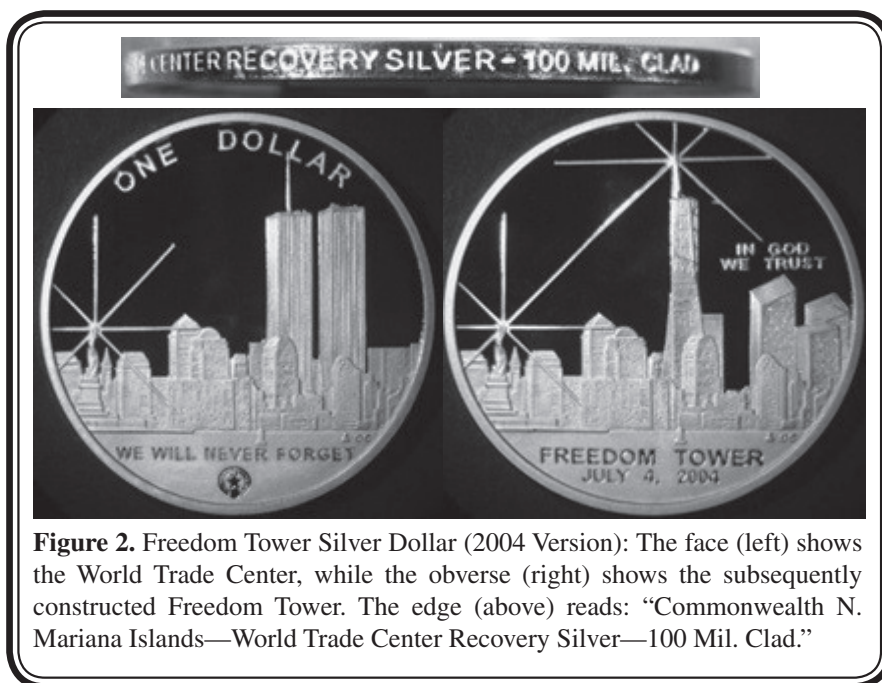


Figure 2. Freedom Tower Silver Dollar (2004 Version): The face (left) shows the World Trade Center, while the obverse (right) shows the subsequently constructed Freedom Tower. The edge (above) reads: “Commonwealth N. Mariana Islands—World Trade Center Recovery Silver—100 Mil. Clad.”

Collector’s Mint, and its officers in 2005, 32 years after HPA was signed into law.⁵⁹ The Freedom Tower Silver Dollar (Fig. 2) was, according to the complaint, marketed as a “legally authorized” and “government issue” coin to commemorate the September 11, 2001 attacks.⁶⁰ Additionally, the plaintiffs alleged the coin was advertised as being made from “0.999 pure silver that had been ‘recovered from Ground Zero.’”⁶¹ According to the plaintiffs, the coin was an imitation numismatic item and violated HPA because it was not marked “COPY.”⁶² In response, National Collector’s Mint filed a 12(b)(6) motion to dismiss,⁶³ arguing that HPA did not apply to its coin since it did not purport to be a reproduction or copy of an actual coin.⁶⁴

As an initial matter, the Court recognized that like all consumer protection statutes, HPA demanded a liberal construction as it was “designed to protect hobbyists and collectors from being defrauded.”⁶⁵ Moreover, it identified that “[t]he clear intent of the HPA is to protect consumers from being deceived into believing they are buying items that are original numismatic items (i.e. real money, minted by the United States Government) when, in fact, they are buying copies of money.”⁶⁶ The Court also acknowledged that National Collector’s Mint accurately stated that there has never been a real silver dollar issued by the United States that looks like the Freedom Tower Silver Dollar.⁶⁷ However, this only served to eliminate a claim that the coin was an imitation numismatic item by virtue of purporting to be a reproduction or copy of an

⁵⁹ DeMarco v. Nat’l Collector’s Mint, Inc., 229 F.R.D. 73, 75–76 (S.D.N.Y. 2005)..

⁶⁰ Ibid at 76.

⁶¹ Ibid.

⁶² Ibid.

⁶³ It should be noted that a Rule 12(b)(6) motion to dismiss occurs at the early stages of a lawsuit and requires the court to accept all the facts alleged by the plaintiff as true. See *Fed. R. Civ. P.* 12(b)(6). Consequently, caution should be exercised in extrapolating conclusions made at this stage of the case as the evidence may pan out differently.

⁶⁴ DeMarco at 76–78.

⁶⁵ Ibid.

⁶⁶ Ibid. at 77.

⁶⁷ Ibid.

original numismatic item.⁶⁸ As the Court pointed out, HPA defines imitation numismatic items much more broadly so as to also cover items that purport to be original numismatic items.⁶⁹

Under this analysis, the Court⁷⁰ denied National Collector's Mint's motion to dismiss and allowed the case to continue to determine whether HPA was violated due to the advertising for the coin that stated it was "legally authorized" and a "government issue," which, along with its appearance left the clear impression it was a product of the U.S. Mint.⁷¹ Indeed, so widespread was the false impression that the U.S. Mint placed a disclaimer on its website.⁷²

On March 2, 2006, the Court approved a settlement agreement awarding the plaintiff class approximately \$9,000,000.⁷³ In addition to the attorney fees and expenses, National Collector's Mint was also required to pay the named plaintiff \$1,500 as an incentive award.

FTC v. Nat'l Collector's Mint, Inc. and Freedberg:

On January 15, 2013, FTC brought its own claim against National Collector's Mint, alleging violations of HPA and other consumer protection statutes.⁷⁴ In its complaint, FTC attacked the marketing, sale, and distribution of the Freedom Tower Silver Dollar by National Collector's Mint, who was alleged to have profited more than \$22 million from selling over 230 different varieties of the coin.⁷⁵ One notable difference between the facts surrounding the FTC case and the 2005 private lawsuit is the fact that the United States Mint had issued its own September 11th commemorative medal, the "Original Medal," in 2011.⁷⁶ Therefore, the fact that National Collector's Mint continued to sell and market the Freedom Tower Silver Dollar as an "exclusively authorized" coin at the same time the government was selling the Original Medal only reinforced FTC's claim that the company had violated HPA by failing to inscribe "COPY" on an imitation numismatic item.

Despite this difference, the parties also reached a settlement agreement in 2013.⁷⁷ The agreement issued a permanent injunction against National Collector's Mint to refrain from violating HPA.⁷⁸ Additionally, the company was ordered to make a number of disclosures in

68 Ibid.

69 Ibid.

70 The Court's interpretation of HPA has not gone without critics. Admittedly, as deceitful as National Collector's Mint's alleged activities were, it is puzzling that the solution would be to merely mark "COPY" on a coin that is not based on any previously existing coin. Some critics, such as Armen Vartian, have went so far as to say that the idea that Congress intended coins that have never been circulated previously, such as the Freedom Tower Silver Dollar, to be marked "COPY" is "ludicrous" and have requested FTC to amend the Rules to clarify this was a misapplication. See Armen Vartian, Comment to Federal Trade Commission; 16 CFR Part 304; Rules and Regulations Under the Hobby Protection Act #0001, *ftc.gov*. (Sep. 19, 2014) However, no such change has been made to the Rules. <https://www.ftc.gov/es/node/587231>

71 De Marco at 78.

72 "'Freedom Tower' Is NOT a Legally Authorized Government-Issued Coin," *U.S. Mint* (September 10, 2004), http://www.usmint.gov/pressroom/?action=press_release&ID=535). For more commentary on the coin, see Chuck Jaffee, "When a dollar's not worth a buck," *Marketwatch* (Sep 24, 2004, 12:04 a.m. E.T.), <http://www.marketwatch.com/story/when-a-dollars-not-worth-a-buck>.

73 "Consumer Fraud Class Actions," *The Law Office of Norman Shabel, P.C.*, <http://www.nshabel.com/consumer-fraud-class-actions.html> (last visited July 5, 2016).

74 *Complaint, FTC v. National Collector's Mint, Inc. and Freedberg*, No. 13 CV 0345 (S.D.N.Y. 2013).

75 Ibid at 4.

76 *FTC v. National Collector's Mint, Inc.*, *supra* at 5.

77 Stipulated Permanent Injunction and Final Order, *In re National Collector's Mint, Inc.*, No. 13 CV 0345 (S.D.N.Y. 2013).

78 Ibid. at 4-6.

connection with the marketing and sale of its goods.⁷⁹ Finally, National Collector's Mint was required to pay \$750,000 as equitable monetary relief that would be used for consumer restitution and other expenses associated with the costs of administering any redress.⁸⁰

Styczinski v. Westminster Mint, Inc.:

The latest claim brought under HPA was a class action brought against Westminster Mint, Inc., Bullion International, Inc. and their respective officers (collectively "Defendants") in 2014.⁸¹ The Plaintiffs alleged that the Defendants violated HPA by selling unmarked, silver, bullion "rounds" that were substantially similar to the American Silver Eagle coin produced by the U.S. Mint and the Canadian Silver Maple Leaf and Canadian Timber Wolf coin produced by the Royal Canadian Mint.⁸² Defendants filed a 12(b)(6) motion to dismiss, asserting that the rounds were not imitation numismatic items under HPA and even if they were, Westminster was not subject⁸³ to the requirements of HPA since it was neither a manufacturer nor an importer.⁸⁴

The Court subsequently rejected both of these arguments and held that the Plaintiffs had sufficiently claimed plausible violations of HPA to warrant denying the motion to dismiss.⁸⁵ With regard to the argument that the rounds did not constitute imitation numismatic items, the Court relied on *DeMarco*⁸⁶ and found that the Plaintiffs drew significant similarities between Defendants' coins and the coins minted



Figure 3. Properly marked silver round currently sold by Westminster Mint.

by the U.S. and Canadian governments to fall within the purview of HPA.⁸⁷ Similarly, the Court held that the Plaintiffs raised sufficient claims that "Westminster either directly or indirectly imported and/or manufactured the rounds at issue" so as to show that Westminster was subject to HPA and survive the motion to dismiss.⁸⁸

Westminster is still in business today; however, all imitation numismatic items, including silver rounds appear to be properly marked with the word "COPY" (Fig. 3).

⁷⁹ *Ibid.*

⁸⁰ *Ibid.* at 7.

⁸¹ *Styczinski v. Westminster Mint, Inc.*, No. 14-CV-00619 SRN/HB, 2014 WL 6388738 (D. Minn. Nov. 14, 2014)

⁸² *Ibid.* at *2.

⁸³ Recall that the CCPA did not expand the scope of HPA beyond manufacturers and importers until December 19, 2014. Additionally, while the FTC contemplates amending the Rules to reflect the change, the Rules still only apply to manufactures and importers.

⁸⁴ *Styczinski* at *5.

⁸⁵ *Ibid.* at *5.

⁸⁶ See *De Marco* supra.

⁸⁷ *Styczinski* at *5.

⁸⁸ *Ibid.*

III. Application of HPA to Colonial Coins

Having examined the content of the law and its application in previous cases, the application of HPA to certain classes of copied colonial coins becomes much clearer. As matters of general application, it is important to recall that as originally written, HPA only applied to manufacturers and importers. However, as amended in December of 2014, HPA has been expanded in order to apply to the “sale in commerce” of imitation numismatic items. Additionally, it must be recalled that HPA only applies to reproductions that were manufactured after November 29, 1973.

Imitations of Authentic, State-Issued, Colonial Coins Are Covered by HPA:

The plain language of HPA indicates that a copy of an authentic state-issued colonial coin is subject to its terms. Coins that were duly authorized by the state governments under the Articles of Confederation fit HPA’s definition of an “original numismatic item.” Likewise, since the copy of an authentic state-issued colonial coin purports to be, but is not, an original numismatic item, it falls within HPA’s definition of an “imitation numismatic item.” As a result, HPA applies to anyone who manufactures, imports, or sells in commerce a copy of an authentic, state-issued, colonial coin.

Therefore, the recent spate of high quality modern counterfeits of state-issued coppers (Fig. 4) that have hit the market are subject to all the enforcement measures authorized by HPA. In the event that FTC refuses or fails to take action against a particular seller, an individual citizen may bring an enforcement action seeking an injunction, legal fees, and damages. There are several things that are troubling about the coin shown in Figure 4. First, this counterfeit managed to make its way into a slab issued by a well-respected third-party grading service. Second, the counterfeit is not of a highly valuable rarity, but of a more common



Figure 4. High quality modern counterfeit of a 1787 Massachusetts half cent (left) and authentic coin (right). *Courtesy of Jack Young.*

variety. Most collectors are more alert when paying thousands of dollars for a coin, but not quite as much when dealing with a lower value coin, which makes the coin even harder to detect in the stream of commerce. Nonetheless, if a collector were to purchase one of these counterfeits, the transaction would be covered by HPA, and the collector could use the enforcement provisions of HPA to recoup the funds spent to purchase the item and seek an

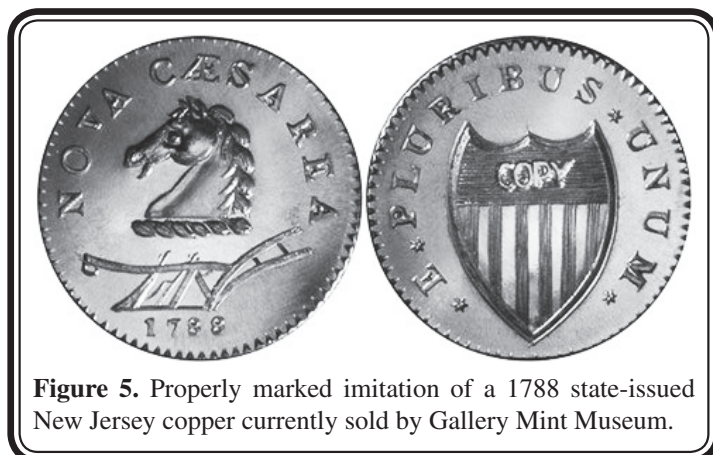


Figure 5. Properly marked imitation of a 1788 state-issued New Jersey copper currently sold by Gallery Mint Museum.

injunction to prevent further sales. The collector could also recoup the legal fees and costs incurred from bringing the lawsuit.

Imitations of Contemporary Counterfeits of State-Issued Colonial Coins Are Covered by HPA:

The modern imitation of a contemporary counterfeit of a state-issued colonial coin, such as a 1787 Miller 1.1-A Connecticut "Small Head" (Fig. 6) also falls within the purview of HPA and requires the requisite "COPY" marking. As many numismatic collectors know, a coin that was counterfeited during the colonial period can be just as valuable as an original state-issued

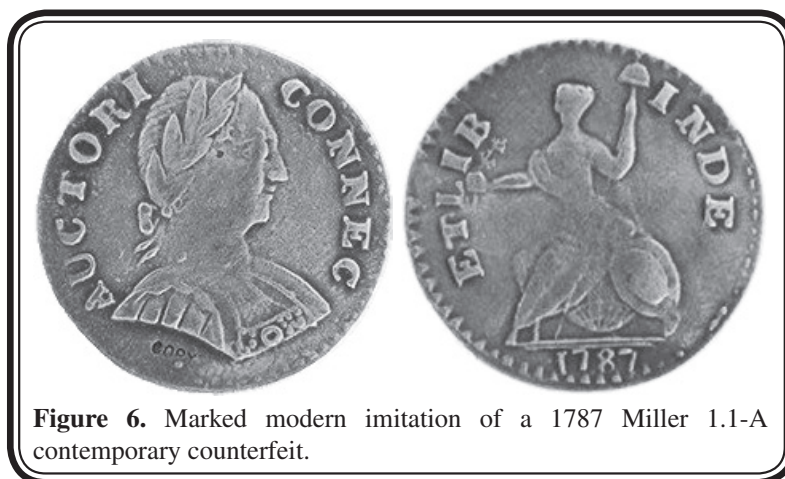


Figure 6. Marked modern imitation of a 1787 Miller 1.1-A contemporary counterfeit.

copper. Even though contemporary counterfeits were not authorized by any government, they still meet the definition of original numismatic items since they were "used in exchange." As both the legislative history and case law indicate, the phrase "used in exchange" has not been restricted to authorized coins, but rather, broadly interpreted to encompass items that have been "actively traded in the marketplace" and "used as a means of payment." Additionally, the copy of a contemporary counterfeit meets the latter half of the "imitation numismatic item" definition in that it purports to be, but is not, a reproduction, copy, or counterfeit of an original numismatic item. Consequently, the copy of a contemporary counterfeit of a state-issued, colonial coin must also be marked "COPY" under HPA.

Imitations of Non-State-Issued Colonial Coins Are Covered by HPA:

Similarly, the copy of a non-state-issued, colonial coin is also subject to the marking requirements of HPA. The private manufacture of certain colonial coins, such as the Nova Constellatio coppers, did not prevent colonists from actively trading them in the marketplace and using them

as a means of payment for goods and services. Likewise, the private manufacture of these coins does not prevent them from being considered original numismatic items under HPA. As a result, an item that purports to be, but is not, a non-state-issued, colonial coin is an imitation numismatic item subject to the HPA's regulations (Fig. 7).



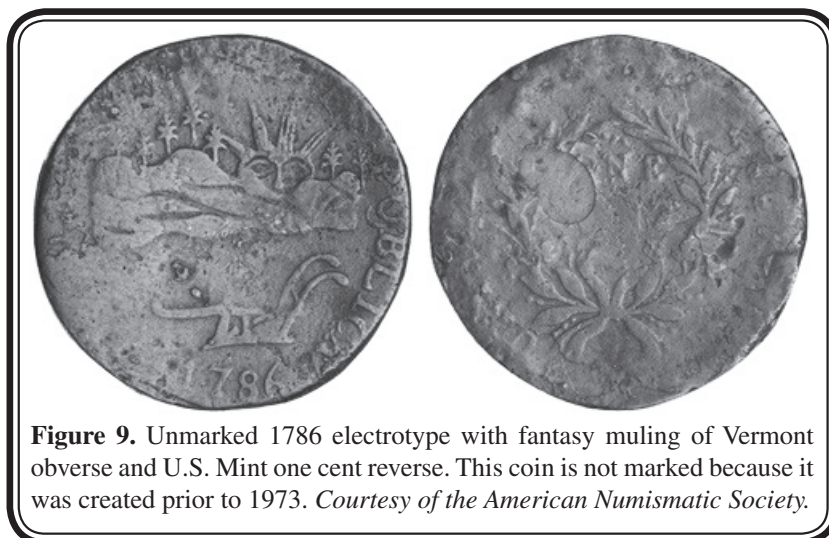
Figure 7. Marked modern imitation of a 1786 Nova Constellatio copper.

Imitations of Unauthorized Colonial Coins Are Covered by HPA:

Finally, it should come as no surprise that even coins made by colonists in the aftermath of the English Civil War, hence—items that were unauthorized from their inception—are considered original numismatic items under HPA. Again, the key to this conclusion is the fact that these coins were “used in exchange,” not that they were manufactured by an authorized governmental entity or agent. As a result, any item that purports to be, but is not, an unauthorized, colonial coin must be incused with the word “COPY” or else be in violation of HPA. It is particularly important that these coins are covered because their simplicity would otherwise make them prime targets for modern counterfeiters.



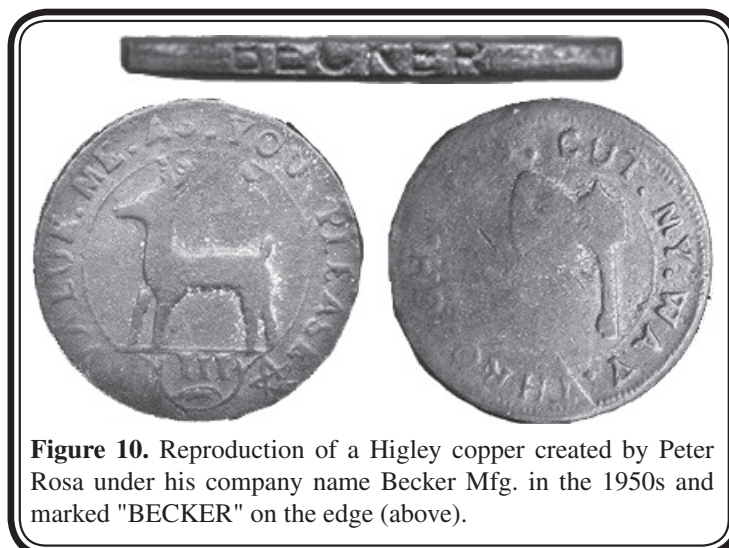
Figure 8. Authentic 1652 New England Shilling (left) and modern marked imitation (right). *Left images courtesy of the American Numismatic Society.*

Fantasy Coins Are Covered by HPA:

Although not necessarily colonial coins, “fantasy coins” are another area of concern for collectors. “Fantasy coins,” as defined by FTC, are “government-issued coins altered by non-governmental entities to bear historically impossible dates or other features marketed as novelties.”⁸⁹ While several commentators have suggested that FTC expand the rules to address fantasy coins, FTC maintains that HPA already provides the necessary protection for these coins.⁹⁰ After a review of *In re Gold Bullion*, one should recall that there is no substitute for incusing the word “COPY” on a coin that purports to be an original numismatic item. Like the Wilhelm II 20-Mark (1887), the fact that the coin bears a different year or slight variation to distinguish it from any previously existing coin is not enough to free it from the restrictions of HPA. Accordingly, if the fantasy coin could be mistaken as an original numismatic item, it must be incused with the word “COPY.”

Pre-1973 Electrotypes, Copies, and Replicas are Not Covered by HPA:

While there is nothing intrinsically different about coins manufactured before 1973, HPA only applies to coins manufactured after November 29, 1973. Therefore, since HPA is not retroactive, it is legal to sell and own unmarked copies manufactured before this date. As such, a high quality centrifugal cast made from an original electrotype of a Higley copper that was manufactured in the 1950s, like the one pictured in Figure 10, is perfectly legal and would not be required to be retroactively



⁸⁹ *Proposed Rules, FTC 81 FR 23219-01* (April 20, 2016), 23220.

⁹⁰ *Ibid.*

counterstamped. If, however, this coin was manufactured after 1973, it would not pass muster under HPA as the notation “Becker,” like any other notation, is an insufficient substitute for the required “COPY” marking. Additionally, in order to comply with HPA, the “COPY” marking must be on the reverse or obverse side of the coin, not the edge.

Likewise, the detailed copies of Bar Cents and other coins and medals struck from 1862–1869 by John Adam Bolen would fall outside of HPA’s purview since they predate the 1973 enactment of the law (Fig. 11). Moreover, if the struck copies were manufactured today, the small signature marks that Bolen often incorporated into his copies would fail to meet HPA’s strict marking requirements.



Figure 11. Authentic 1785 copper Bar Cent (left) and 1862 Bolen copy (right). *Courtesy of Heritage Auctions.*

Replicas of Indian Peace Medals Struck by the U.S. Mint Are Not Covered by HPA; However, Indian Peace Medals Manufactured after 1973 by Entities Other Than the U.S. Mint Are Covered by HPA:

Recently, the U.S. Mint has begun striking and selling replicas of some early Indian peace medals given to Native Americans to commemorate special events and friendship between the United States and various indigenous tribes. Specifically, the Thomas Jefferson peace medal, which was delivered to tribes by Lewis and Clark during their famous journey and which was the first peace medal to be struck instead of engraved has been re-issued by the U.S. Mint and can be purchased currently for \$39.95 (Fig. 12).⁹¹ Previously, the U.S.



Figure 12. Reverse of the modern replica Thomas Jefferson Indian Peace medal struck by the U.S. Mint.

Mint had used a version of the reverse of the same peace medal on the 2004 Jefferson nickel to commemorate the 200th anniversary of the Lewis and Clark expedition. The U.S. Mint is exempt from the provisions of HPA and may sell restrikes or replicas of coins and medals previously issued by the U.S. Mint without including “COPY” on the modern versions.⁹²

⁹¹ See, <http://catalog.usmint.gov/thomas-jefferson-bronze-medal-3-inch-103.html>.

⁹² § 304.1(d).

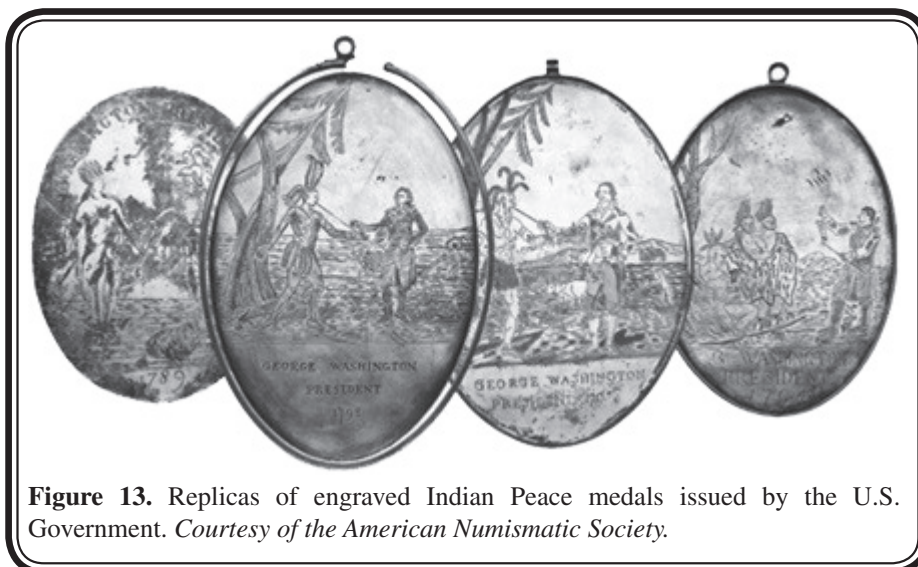


Figure 13. Replicas of engraved Indian Peace medals issued by the U.S. Government. *Courtesy of the American Numismatic Society.*

If, however, a private entity were to manufacture a replica of an Indian peace medal today, “COPY” would need to be clearly marked on the medal, as it falls within the definition of an imitation numismatic item because it commemorates an event. The American Numismatic Society’s collection contains many counterfeit, fantasy, and forged Indian peace medals donated by Tony Terranova, who accumulated them over the years from collectors who believed them to be authentic.⁹³ All of these bogus peace medals, regardless of whether they were originally created prior to the existence of the U.S. Mint, are covered by HPA.

IV. Remaining Problems

As evidenced by the foregoing analysis, HPA provides extensive coverage to a wide range of colonial coins. So why is there still such a persistent problem? Part of the reason may be attributed to the fact that HPA was only recently amended to expand the scope beyond mere manufacturers and importers. Hopefully, the expansion to include those who sell the imitation numismatic items as well as those who aid in the commission will provide the teeth necessary to hold present violators accountable and deter future violators.

However, the hope for change alone does not provide a satisfactory resolution, nor does it provide a full picture of the ongoing problem. For another clear deficiency in the utility of HPA is simply the lack of enforcement. No doubt, the failure to enforce on both the part of FTC and private collectors stems from the difficulty in identifying and proving the perpetrator of the deceit. Of course, such enforcement requires an abundance of time, resources, and not paradoxically, money. Everything often comes down to money. Knowledge of what is covered by HPA is another factor in its effectiveness. Even though the law has been on the books for over 40 years, many sophisticated colonial coin collectors and dealers are still ignorant concerning the fact that nearly all colonial coins are covered by HPA. And yet, there is still uncertainty as to how the law will affect items that were used as a means of payment but are on the periphery of what constitutes “coinage or issue.” Hopefully, this article will help educate people regarding their rights under the law and spur a growth in the law that can provide guidance for these unanswered questions.

⁹³ “Terranova donates Indian peace medal fantasies, facsimiles, forgeries to ANS,” *Coin World* (May 23, 2014).

Colonel William H. Coley, Patriot and Master Engraver**by****Linda Call Dodge;¹ Rindge, NH**

William H. Coley, the man who in 1785 engraved the first dies for Vermont's landscape copper coinage, was born in London, England, on June 24, 1758. His baptism papers from St. Anne, in Soho, Westminster, list his parents as William Coley and Martha Harrison,² who were married in Birmingham, England on August 13, 1749.³

The Coley family immigrated to New York City around 1766, where the elder William worked briefly in the jewelry business, partnering with Simeon Coley, who is believed to have been his brother. The two parted company later that year with William branching out into shipping and selling general merchandise and Simeon continuing to work his silversmith shop near the Merchant's Coffee House.⁴

Resentment over British taxation led to the establishment of a non-importation agreement in the colonies. When Simeon Coley ignored this by continuing to sell English merchandise, he was publicly chastised in newspapers as far away as Boston.⁵ Eventually, he was called out by local residents and, fearing for his safety, sought refuge at the British fort. As a result of his Loyalist beliefs, Simeon was forced to close up shop and leave the country in the summer of 1769.⁶ About this same time, William H. Coley's father put his 200-acre farm on Long Island up for sale.⁷

Favoring the American side of the conflict with England, William H. Coley's extended family, along with about 18,000 New York City residents, left for the countryside as British troops captured the city in 1776. They settled in Haverstraw, New York, a town forty miles north on the Hudson River. In Haverstraw, as an experienced sailor, William's father was in charge of operating King's Ferry, which was a crucial point on the Hudson River, essential for troops traveling between New England and New York State.⁸ He and his men ran the ferry by way of a civilian contract with the Continental Army.⁹

There is no record of William operating the ferry with his father; instead he joined the Continental Army in 1777. He was first appointed clerk to the issuing commissary for General Alexander McDougall's Brigade stationed at Peekskill, New York. Next he served as assistant to Commissary General Charles Stewart. His duties included overseeing the receipt and slaughter of cattle and the delivery of beef to Continental troops located in North Carolina. William's sister-in-law Mary related that she often saw him at his mother's place during the war in "Regimental Dress" and that they called him "Commissary Bill" to distinguish him from his father.

1 Contributions from Gary A. Trudgen and Christopher R. McDowell are gratefully acknowledged. The author is the great-great-great granddaughter of Col. William H. Coley.

2 William Coley, "Baptisms 1686–1817, Parish Records St. Anne's Church, Westminster, England," *Family History Library* microfilm #918606 (Salt Lake City), no page no.

3 William Coley and Martha Harrison marriage record, Ancestry.com – "Birmingham, England, Baptisms, Marriages and Burials, 1538–1812."

4 Advertisement for Simeon Coley, *New York Mercury* (NYC), October 5, 1767.

5 *Journal of the Times* (Boston), August 1, 1770.

6 *New York Journal* (NYC), July 27, 1769, p. 3.

7 *New York Gazette and Weekly Mercury* (NYC), July 24, 1769, p. 4.

8 "Affidavit of Mary Coley" William Coley Pension No. S23166 Revolutionary War Service, National Archives, Washington, D.C.

9 *Journal of the Assembly of the State of New York – Seventh Session*, (May 6 and May 8, 1784).

During the harsh winter of 1777/1778 William was garrisoned with Washington's Army at Valley Forge in Pennsylvania. In his application for a Revolutionary War veteran's pension decades later, William relates having seen General Washington, General Lee, Baron Von Steuben, Timothy Pickering, and Marquis de Lafayette. He next enlisted under Captain Coleman of the North Carolina Second Regiment, commanded by Colonel Patten. On June 28, 1778, he took part in the Battle of Monmouth, which was the first time Continental forces commanded by General Washington were able to successfully stand and fight against the Redcoats in a large-scale battle. Afterwards he was stationed in White Plains and then Fredericksburg (now Patterson), New York. In October 1778, William was discharged from active military service.¹⁰

The following is taken from a letter that William wrote years later to the War Department as part of his appeal for an increase in pension [original punctuation]:

... we lived in New York City my father kept a Grocery Store and two vessels Coasting on the North [River] we moved out of Nyork in the fall of 76 as did all the Wigs [sic] Lord How[e] with his fleet was anchored in the Bay one of our vessels loaded with goods was taken in the river by the boats of the men of war my father sent the other vessel up the River to Fort Montgomery when Fort Montgomery was taken by the British they burnt her my father moved from Nyork within 2 2/4 miles of Fort Lee took his Goods and family there the British troops in a few days took Nyork then they took forts Washington and Lee. They took all our goods and my father prisoner the Enemy left the Neighborhood of Fort Lee and march threw (sic) NJersey my father was released from imprisonment and moved our family to the Town of Haverstraw 4 miles from Stoney Point a Continental ferry was established from Stoney Point to Verplanks my father was appointed to the Command of the ferry called King Ferry the British took possession of Stoney Point [June 1, 1779] Colo[nel] Johnson [British Lt. Col. Henry Johnson] who commanded came in the night time accompanied by two of our Tory neighbours as pilots [guides] my mother was called out of Bed & Colo[nel] Johnson told that her Husband and Son was in the Rebel Army and that he had orders from Sir Henry Clinton to Burn the House & take what property we had which was done ...¹¹

In 1780, the country was shocked to learn that General Benedict Arnold attempted to turn West Point over to the British, which would have permitted the British fleet to sail unimpeded up the Hudson River, cutting New England off from the lower colonies. William's father was a witness to the treason. Joshua Hett Smith, brother of William Smith, the loyalist Chief Justice of the Province of New York, was a neighbor of the Coley family in Haverstraw. During the night of September 21, 1780, Arnold met British Major John André at Smith's home where he handed over plans to West Point. Because the meeting ran long and Continental forces fired on the ship that carried Maj. André up the river from New York City, the British officer was stranded in territory controlled by Washington's forces. The next evening Smith, along with André, who was out of uniform, crossed over King's Ferry in order to reach the British lines. During the crossing, Smith casually spoke with William's father. It was not until later when André was captured and hanged as a spy that the Coley family learned of Arnold's treason and who the man was that accompanied Smith.¹²

After the war ended and as the British Army was preparing to evacuate New York City, patriot refugees began returning to the city. William was at the forefront of this migration and opened

¹⁰ Pension application of William Coley, Pension No. S23166. op. cit.

¹¹ Ibid.

¹² Richard J. Koke, *Accomplice in Treason: Joshua Hett Smith and the Arnold Conspiracy*, (New York: The New-York Historical Society, 1973), p. 94.



Figure 1. 1785 Vermont landscape copper.

a jewelry business at 15 Hanover-Square.¹³ He announced in *Rivington's New York Gazette* on July 23, 1783, that he intended to carry on the "jewelry business, in all its branches, Miniature Pictures, set hair wrought mourning rings, and engraving, in the neatest manner." The advertisement also mentioned that he had "for sale, all kinds of stones, files, crucibles, etc., suitable for carrying on business." This advertisement suggests that Coley was, among other things, an accomplished engraver. While silversmiths often touted their ability to craft jewelry and silver, it was very uncommon for a silversmith to also hold himself out as a capable engraver. Complex engraving was specialized work that silversmiths normally contracted to skilled engravers.¹⁴ By November 1784 he joined in partnership with Daniel Van Voorhis and two others to form a large firm capable of manufacturing coins.¹⁵

Rueben Harmon, Jr. from Rupert, Vermont, obtained authority from the Vermont Legislature in June 1785 to produce copper coins for the republic. He had a mill and copper supply but no expertise in the manufacturing of coins. Thus, his solution was to partner with Van Voorhis and Coley to get his mint up and running. William was an experienced engraver and it is almost certain that he engraved the first dies for the mint. These dies were used to strike what are known today as the Vermont landscape coppers and are dated 1785 and 1786 (Fig. 1).¹⁶

In March 1787, William bought three pieces of land in Rupert, Vermont, totaling 144 acres from Ebenezer Hubbard.¹⁷ The deed states that he was still living in New York City at this time. He had, no doubt, been traveling between New York and Vermont with his work at the Vermont Mint.

In June 1787, the Vermont Mint joined with a newly formed mint located near Newburgh, New York, known as Machin's Mills.¹⁸ This mint was operated by Thomas Machin, a hero of the late

¹³ *Rivington's New York Gazette* (NYC), July 23, 1783.

¹⁴ Christopher R. McDowell, "Daniel Van Voorhis: New York City Coiner," *C4 Newsletter* 24.1 (Spring 2016), p. 16.

¹⁵ *Independent Journal: or, the General Advertiser* (NYC), April 27, 1785.

¹⁶ Q. David Bowers, *Whitman Encyclopedia of Colonial and Early American Coins* (Atlanta: Whitman Publishing, 2009), 85.

¹⁷ Deed of Ebenezer Hubbard to William Coley, March 23, 1787, Bennington County, Vermont, Bk. 4, pp. 210–211.

¹⁸ Sylvester S. Crosby, *The Early Coins of America* (New York: Burt Franklin, 1875), p. 196.

war. Machin is best known for engineering the placement of a large iron chain across the Hudson River at West Point to prevent the British from sailing up the river. Machin's Mills assisted the Vermont Mint with the production of Vermont copper coins and made other circulating copper coins of the period. The adoption of the Federal Constitution and the outbreak of the Copper Panic in 1789 forced the closure of these private mints.

William was an active citizen in Vermont, serving on a committee to unite two church societies in 1791, and on another in 1796 to divide the town for schools.¹⁹ He was a delegate to the convention that formed the first Grand Lodge of Freemasons in Vermont and engraved their first seal, as well as the seal for his own local North Star Chapter.²⁰

From 1798 to 1800 William served as Sheriff of Bennington County. In 1799, the Vermont Council of Censors sent charges of impeachment against him to the House of Representatives, claiming that he had overcharged the state for his services. However, a House committee charged with investigating the matter, found the charges "wholly unsupported" and refused to take action against him. This enraged the Council and was a source of tension between the two governmental bodies for some time.²¹

In 1793, the Holland Land Company was granted the rights to the wilderness now encompassing the towns of Pitcher, Nelson, DeRuyter, German, Lincklaen and Cazenovia in upstate New York. The land was surveyed in 1802 and William's younger brother Joseph worked with the Holland Land Company's agent John Lincklaen in selling lots of land to would-be settlers.²² He must have encouraged William to join him, for William purchased his own spot in "The Gore" of Tromp Township (later to become DeRuyter) in January 1810.²³

His DeRuyter home became a meeting place for the local Moriah Lodge of Masons. In June 1815, the neighboring lodges gathered there to celebrate a Festival of St. John the Baptist.²⁴ In October 1818, he was selected to serve on an eleven-town committee to meet at the court house in Eaton, New York, to draft a constitution for a county agricultural society.²⁵ He was appointed as a Justice of the Peace by the Board of Supervisors and Judges of the Fourth County Court in March 1823.²⁶ Both William and his brother Joseph knew the value of a solid education, having been well-schooled themselves, and supported the incorporation of the New Woodstock Academy "for the promotion of literature, science and the arts, and for the improvement in education..." in 1834.²⁷

William also lived briefly in Georgetown, New York, before finally settling in Otselic, where his son, George, operated the town's first store.²⁸ In October 1832, at age 74, William filed for a government pension based on his Revolutionary service. Because his commission papers had been misplaced, it took five years of testimony and letter-writing before a pension was finally

19 George Sayre Hibbard, *Rupert, Vermont Historical and Descriptive 1761–1898*, (Rutland, VT: Tuttle Co., 1923), p. 42.

20 Lee Hillotson, *Ancient Craft Masonry in Vermont* (Montpelier, VT: Capital City Press, 1920), 21 and 57.

21 Archives_webpage/govhistory/governance/Impeach/WorkingDocs/coley.htm.

22 James H. Smith, *History of Chenango and Madison Counties, New York: with Illustrations and Biographical Sketches of Some of Its Prominent Men and Pioneers* (Syracuse, NT: D. Mason and Co., 1880), p. 597.

23 Deed of Joseph Coley and Mary, his wife, to William Coley, January 3, 1810, Madison County, New York, Book Q, pp. 332–333.

24 *Pilot* (Cazenovia, New York), June 7, 1815, p. 4.

25 *Pilot* (Cazenovia, New York), October 14, 1818, p. 2.

26 *Norwich Journal*, (Norwich, New York), March 12, 1823, p. 4.

27 Chapter 254 Laws of New York, passed May 2, 1834.

28 *History of Chenango and Madison Counties*, op. cit., p. 480.

approved—at a regular soldier’s rate. His appeal for an increase based on his rank as an assistant commissioner was denied in April of 1840.²⁹

William and his first wife, Sybel Curtis,³⁰ had nine children: Elizabeth (1783–1850) married Jedediah Johnson, who was a merchant from Whitehall, New York; William Harrison Coley (1784–) was among the first graduates of Middlebury College, it is believed he married Mary Vincent; James H. Coley (ca. 1786–1797) was born and died and is buried in Rupert, Vermont; Samuel Beach Coley (1786–before 1843); George K. Coley (ca. 1790–) married Huldah Norton and operated the first store and tavern in Otselic, New York, before moving west to Berrien County, Michigan; Charlotte Coley (1794–1859) married James Weaver and moved to Berlin Township on the shores of Lake Erie; John Salter Coley (ca. 1795–1860) married Cynthia Purdy and farmed in Otselic, New York; Maria Coley (ca. 1800–1836) married Elisha Hill from Otselic, New York; and Mary Ann (ca. 1806–1890) married Samuel Plumb and lived in Pitcher and Homer, New York.

According to the inscription on her headstone, Sybel Coley died in 1824. After Sybel’s death William married Melinda (surname unknown). William had often reflected that when his time came to die, he wanted to pass “like the going out of a candle.” On December 1, 1843,³¹ he was sitting in the kitchen chopping mincemeat. When someone spoke to him, he did not answer, for he had died while sitting in the chair.³² William is buried in Maple Grove Cemetery in Otselic next to Sybel. His second wife Melinda died in 1846; her burial site is unknown.

No image of William Coley has been located, but he is described as a “small man, dark complexioned, quick and nervous like a Frenchman. Having received a superior education, speaking French like a native, city bred, and having always associated with men of culture, he was well calculated to be an addition and ornament to any society.”³³ However, a photo of William’s younger brother Joseph does exist (Fig. 2).³⁴ Joseph was born in 1765 and died in 1856 at the age of 91. Presumably William bore some resemblance to his younger brother, who had a wide nose, dark sunken eyes, and retained his thick brown hair into old age.



Figure 2. Photograph of Joseph Coley, younger brother of William H. Coley.

²⁹ Appeal for increase in pension, William Coley Pension No. S23166., op cit.

³⁰ There is some confusion over the spelling of Sybel’s first name. Her gravestone gives her name as “Sybel,” but other documents list it as “Sybil.” For example, their son William’s baptism record lists Sybil Curtis as his mother.

³¹ Probate record, William Coley, Registry of Probate, Chenango County, New York.

³² *Records of the Grand Lodge of Free and Accepted Masons of the State of Vermont from 1797 to 1848 Inclusive* (Burlington, VT: The Free Press Association, 1879), pp. 18–21.

³³ Ibid.

³⁴ Anzelotte D. Ellsworth and Mary E. Richmond, *New Woodstock and Vicinity, Past & Present* (Cazenovia, NT: J. A. Loyster, 1901).

**Wise as Serpents, Harmless as Doves:
The Iconography of the Chalmers Coinage**

by

John M. Kleeberg; New York, NY

The shillings issued by John Chalmers in 1783 depict a serpent and two doves with a worm in their beaks. This article proposes a new explanation for the iconography, to replace the proposal made by Walter Breen. It also discusses the reason for the low fineness of the Chalmers coinage. Furthermore, the earliest description of the Chalmers coinage, in the travel book of Johann David Schöpf, is transcribed and retranslated from the original German.

The serpent and dove design has puzzled numismatists. The cataloger of the Garrett specimen wrote, "The original meaning of this design is lost to numismatic history."¹ The only widely known explanation is that of Walter Breen, which he apparently first broached in a private communication of April 1980 to Henry Schab.² As Breen explicates it:

It is clearly "While you states go on squabbling over trivialities [boundary disputes?] you don't notice what is coming over to devour you!" This was a warning that a strong centralized government, then being recommended in many quarters, might well destroy the hard-won status of individual states as independent sovereign entities under the Confederation – which in fact did happen when the Constitution was adopted. The Confederation, of course, had long been on the verge of collapse owing to money problems created by the Revolution. Chalmers may even have adopted this extreme states' rights or antifederalist position because the Confederation had rejected his coinage proposal.³

This article will propose a different solution.

Breen misunderstood what the doves were doing. Breen sees the two doves as quarreling over the worm. By contrast, the botanist and zoologist Johann David Schöpf correctly described the type as "zwey sich schnäbelnde Tauben"⁴—two billing doves. Billing is a mating ritual among doves and is a common motif in art to represent romantic love, since it resembles human kissing. The male and female intertwine their beaks, the male regurgitates food and feeds the female.⁵ The two doves, in other words, are not quarreling, but quite the opposite: They are engaging in a mating ritual where the male shows his affection by feeding the female—here, passing on to her a tasty worm.

1 Bowers and Ruddy Galleries, *The Garrett Collection*, Part III: Auction, October 1-2, 1980, lot 1311.

2 Henry W. Schab, "The Life and Coins of John Chalmers," *Numismatist* 97, no. 11 (November 1984):2302 and note 37.

3 Walter Breen, *Walter Breen's Complete Encyclopedia of U.S. and Colonial Coins* (New York, 1988): 100.

4 Johann David Schöpf, *Reise durch einige der mittlern und südlichen vereinigten nordamerikanischen Staaten nach Ost-Florida und den Bahama-Inseln unternommen in den Jahren 1783 und 1784* (Erlangen, 1788):1:568.

5 "Dove Couples and Mating," *Raising Pet Doves*, accessed July 10, 2016, http://pet-doves.com/petdoves/dove_couples.htm.

Chalmers was a talented goldsmith and silversmith,⁶ an American patriot who served during the Revolution as a highly active recruiting officer,⁷ but above all he was a dedicated Methodist preacher.⁸ In 1785 he became the first white man to join the Methodist congregation in Annapolis.⁹ In 1787 he was one of the trustees of Cokesbury College, the first college founded by the Methodist Church in America.¹⁰ In 1799 he was ordained a Methodist deacon.¹¹ Many of his fellow ministers praised his preaching and his deep religious conviction: "Brother Chalmers brought the holy fire from Virginia with him;"¹² "Chalmers preached with great effect ... the greatest meeting I have ever attended;"¹³ "a religious excitement there, among the youth, through the instrumentality of that eccentric man John Chalmers."¹⁴ In the memoirs of his fellow ministers Chalmers is depicted as a deeply religious man, dedicated to the Methodist Church, an inspiring preacher, an adept "fisher of men" (whether as recruits for the Maryland militia or for the Methodist Church), and a skilled controversialist¹⁵ who could readily cite Bible chapter and verse.

Although Chalmers was still a slave owner in 1783, listed as owning two slaves,¹⁶ he subsequently turned against slavery. In 1791 he manumitted an enslaved African woman, Elizabeth, declaring in an advertisement that he was "Conscientiously scrupulous of keeping or Detaining in slavery any of the Human Species."¹⁷ Unfortunately, he did not continue to maintain this admirable view. After he became Sheriff of Baltimore in 1812,¹⁸ he regularly sold slaves that had been seized to satisfy debts.¹⁹ All blacks were presumed to be slaves, and those who seemed to have no master would be thrown into jail to be reclaimed by their owners, on the presumption that they were runaways. If no owner appeared the prisoners would then be sold into slavery to repay the jail fees. Under this pernicious system freed blacks were re-enslaved. The Baltimore newspapers have several advertisements where Chalmers calls on owners to reclaim imprisoned blacks, and where he concludes by saying that if no owner shows up, he will sell them into slavery to pay the jail fees.²⁰ Charles Miner, the Pennsylvania member of Congress and anti-slavery advocate, cited this abuse, among others, in his campaign to end the slave trade in the District of Columbia.²¹

6 Schab 1984: 2294.

7 Schab 1984: 2294-2297.

8 Schab 1984: 2298-2300.

9 Schab 1984: 2298.

10 Schab 1984: 2299-2300.

11 Schab 1984: 2299.

12 John Atkinson, *Centennial History of American Methodism* (New York, 1884):231; Schab 1984: 2299.

13 Henry Boehm, *Reminiscences, Historical and Biographical, of Sixty-Four Years in the Ministry*, ed. Joseph B. Wakeley (New York, 1866):166-69; Schab 1984: 2299.

14 Robert Emory, *The Life of the Rev. John Emory, D.D., One of the Bishops of the Methodist Episcopal Church* (New York, 1841): 14-15; Schab 1984: 2299.

15 Boehm 1866: 133-34.

16 Schab 1984: 2294.

17 Schab 1984: 2299.

18 Chalmers was the runner up to John Hutchins in the 1812 election for sheriff, losing by 2860 votes to 2942. After Hutchins died in office in 1813, the Governor and Council appointed Chalmers sheriff in his stead to fill out the remainder of the term. Chalmers ran again in the 1815 Sheriff election, but this time came in third with 2591 votes, after Mathew Murray (3427 votes) and Leonard Frailey (2736 votes). Thomas W. Griffith, *Annals of Baltimore* (Baltimore, 1824): 206; Schab 1984: 2300; "A New Nation Votes: American Election Returns 1787-1825," accessed July 21, 2016, <http://elections.lib.tufts.edu/>.

19 *American & Commercial Daily Advertiser* (Baltimore, Md.), August 6, 1813; September 15, 1813.

20 *American & Commercial Daily Advertiser* (Baltimore, Md.), March 3, 1815; March 31, 1815.

21 "Slavery in the District of Columbia," *American Quarterly Review* (September-December 1833):59-60.

Despite the widespread praise for Chalmers as a Methodist preacher, a cautionary note is introduced by Bishop Emory's observation that Chalmers was an "eccentric man." On December 21, 1786 Chalmers published a curious advertisement denouncing "wicked stories [that] have been circulated about, tending to prejudice my character" and he asked that all those with claims against him to present them so that he could "stop the mouth of the wicked one."²² This peculiar advertisement foreshadows the controversy that would terminate his ecclesiastical career, which unfortunately ended in scandal and ignominy. In 1812 Baltimore Circuit Methodist preachers met to consider charges of sexual misconduct brought against Chalmers by two African women, Charity and Forty, who were members of the biracial Annapolis congregation. The accusations were found to be truthful and Chalmers was suspended from all official service in the Methodist Church.²³ Oddly, the scandal did not hurt his political career, because Chalmers ran a strong second in the 1812 election for sheriff (losing by only 82 votes) and was appointed to fill out the remainder of the term when the actual winner died in office in 1813. Chalmers ran again for sheriff in 1815, but this time he came in third.²⁴ John Chalmers died in 1817.²⁵

Chalmers' religious vocation is emphasized here because the explanation of the mysterious imagery of the Chalmers shillings is to be found in Christian iconography. Just as he cited Bible chapter and verse at Methodist revival meetings, so he cited chapter and verse in the iconography of his coins. In the course of other research, I came across an early seal of the Reformed Protestant Dutch Church in the City of Albany (Fig. 1). It shows a dove and a serpent, and beneath them, the inscription *Matthæus*.²⁶ The reference is to Matthew 10:16, which reads in the King James Version: "Behold, I send you forth as sheep in the midst of wolves: be ye therefore wise as serpents, and harmless as doves."



Figure 1. Seal of the Reformed Protestant Dutch Church of the City of Albany. From James Rindge Stanwood, *The Direct Ancestry of the Late Jacob Wendell, of Portsmouth, New Hampshire, with a Prefatory Sketch of the Early Dutch Settlement of the Province of New Netherland, 1614-1664* (Boston, 1882).

Another institution that used that emblem was what is considered to be the earliest life insurance company, the Amicable Society for a Perpetual Assurance Office, founded in London in 1706, which had as its emblem a dove perched upon a live serpent and the Latin motto *Prudens Simplicitas* (Fig. 2).²⁷ This Latin motto can be translated as "shrewd guilelessness;"

22 Schab 1984: 2298.

23 Schab 1984: 2300; Betty Wood, "'For Their Satisfaction and Redress': African Americans and Church Discipline in the Early South," in *The Devil's Lane: Sex and Race in the Early South*, ed. Catherine Clinton and Michele Gillespie (New York, 1997):109-10, 120-21; Sylvia R. Frey and Betty Wood, *Come Shouting to Zion: African American Protestantism in the South and the British Caribbean to 1830* (Chapel Hill, 1998): 165-66.

24 See above, note 18.

25 Schab 1984: 2300.

26 James Rindge Stanwood, *The Direct Ancestry of the Late Jacob Wendell, of Portsmouth, New Hampshire, with a Prefatory Sketch of the Early Dutch Settlement of the Province of New Netherland, 1614-1664* (Boston, 1882): 13.

27 *The Charters, Acts of Parliament, and By-Laws of the Corporation of the Amicable Society for a Perpetual Assurance Office* (London, 1854).

the reference to Matthew 10:16 is obvious, for in the Latin Vulgate the adjectival equivalents are used: *Ecce ego mitto vos sicut oves in medio luporum. Estote ergo **prudentes** sicut serpentes et **simplices** sicut columbae.*

The serpent/dove concept was an element of Christian iconography that was readily understood as a reference to Matthew 10:16. Chalmers, an enthusiastic Methodist preacher, was using Christian iconography on his coinage, citing (through images) chapter and verse that counseled the users to be “wise as serpents, and harmless as doves.”



Figure 2. Emblem of the Amicable Assurance Office. From *The Charters, Acts of Parliament, and By-Laws of the Corporation of the Amicable Society for a Perpetual Assurance Office* (London, 1854).

Other Christian iconography on Chalmers' coins is the design of the “clasped hands.” Schab objected that the emblem is associated more closely with the Society of Friends (the Quakers) and Chalmers was a devout Methodist.²⁸ But it has not been possible to confirm Schab's assertion that the “clasped hands” image is primarily identified with the Quakers. There is evidence that it was a preferred symbol of the Methodists. A study of gravestone imagery in Australian cemeteries states that the “clasped hands” motif is most commonly found in Methodist sections of the cemeteries.²⁹ Of course the image of the “clasped hands” is found in many diverse cultural traditions, from ancient Roman coins (*Concordia Exerctuum*) to the Mormon private gold coinage of 1849.

Schab further stated that he had found the “clasped hands” motif on three silver seals that Thomas Sparrow had made as official seal maker of the State of Maryland.³⁰ (Thomas Sparrow's initials, TS, appear on the sixpences, suggesting that Thomas Sparrow cut some, or possibly even all, of the dies.)³¹ Thomas Sparrow produced a woodcut version of the Great Seal of Maryland for the frontispiece of Bacon's Laws, issued in Annapolis in 1765 (Fig. 3).³² However,

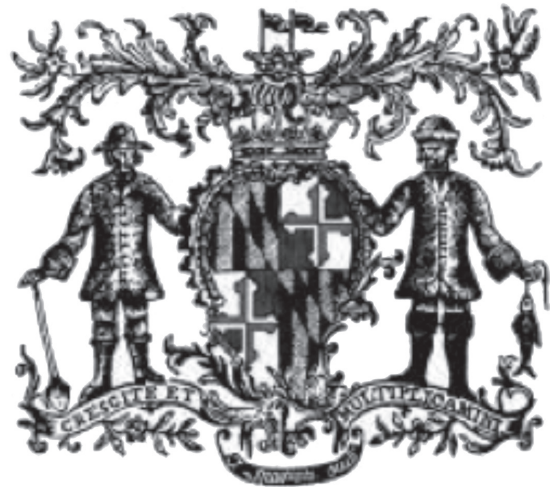


Figure 3. Thomas Sparrow's Great Seal of Maryland. From Bacon's Laws (Annapolis, 1765).

28 Schab 1984: 2303.

29 “Clasped hands,” *Cemetery Symbolism*, accessed July 10, 2016, <https://cemeterysymbolism.wordpress.com/2013/02/26/clasped-hands/>.

30 Schab 1984: 2305.

31 Schab 1984: 2303-2305

32 Thomas Bacon, *Laws of Maryland at Large* (Annapolis, 1765); Schab 1984: 2305.

there is no “clasped hands” motif in that seal. Indeed, it is hard to conceive where in a depiction of Maryland’s official seal a pair of “clasped hands” could be included. The claim that there are “clasped hands” on silver seals cut by Thomas Sparrow relies solely on Schab’s assertion (he does not produce any illustrations); thus, the claim cannot be independently confirmed and should be questioned.

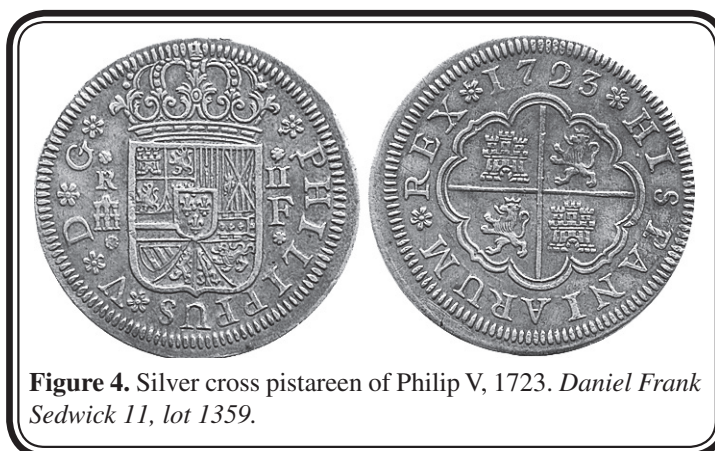


Figure 4. Silver cross pistareen of Philip V, 1723. *Daniel Frank Sedwick 11, lot 1359.*

The cross on the reverse of the sixpence is probably not a direct reference to Christian iconography, but rather an imitation of the cross pistareen (Fig. 4), to indicate that Chalmers’ issues fit into the popular pistareen coinage.

Michael Hodder performed a specific gravity analysis of Chalmers’ coinage and found that it was .800 to .880 fine.³³ Charles W. Smith performed another analysis, this time using Dispersive X-Ray Fluorescence Spectrometry, and found that the silver was .810 to .860 fine.³⁴ Even a visual observation of the Chalmers coinage shows that the silver has a darker, more grayish, color (because of the copper alloy) than the brighter color of purer silver coin, e.g. Spanish colonial 2- and 8-*reales*. Mossman contends that Chalmers reaped a gross profit of 8% by debasing the Spanish silver with copper alloy—commentators emphasize Schöpf’s observation that Chalmers performed this operation “mit gutem Vortheil” “with a good advantage.”³⁵ This does Chalmers a disservice, for the fineness of Chalmers’ coins actually is the fineness of his bullion source: Spanish pistareens.³⁶ Cross pistareens are .8333 fine; head pistareens, which replaced them from 1772 onwards, .8125 fine.³⁷ Schöpf states that Chalmers issued his coins to convert the inconvenient cut fractional coins (which were called by the evocative name of “sharp-shin”)³⁸ into more convenient round ones. But Schöpf led numismatists astray by referring to the cutting of fractional coins out of Spanish dollars, rather than Chalmers’ actual source, the cut pistareens. The research of Thomas Kays has emphasized the importance of cut pistareens in the circulation of Maryland.³⁹ Thus the silver metal was indeed debased with copper, but not by Chalmers, but by the low fineness of the original cut pistareens that Chalmers melted down and used to mint his coins.

³³ Bowers and Merena Inc., *The Norweb Collection*, Part III: Auction Catalog, November 14-15, 1988, lot 3500.

³⁴ Philip L. Mossman, *Money of the American Colonies and Confederation. A Numismatic, Economic and Historical Correlation*. Numismatics Studies No. 20 (New York, 1993): 199 and note 142.

³⁵ Norweb Collection 1988: lot 3500; Mossman 1993: 199-200.

³⁶ I believe this observation was first made by John Kraljevich.

³⁷ Mossman 1993: 58-62; John M. Kleeberg, “A Coin Perfectly Familiar to Us All”: The Role of the Pistareen,” *Colonial Newsletter* 109 (December 1998): 1862.

³⁸ [Samuel Mordecai], *Richmond in by-gone days* (Richmond, 1856): 212-214; Thomas A. Kays, “When Cross Pistareens Cut Their Way Through the Tobacco Colonies,” *Colonial Newsletter* 116 (April 2001): 2169-2199.

³⁹ Kays 2001: 2169-2199; see also Kleeberg 1998: 1866-1868, 1874.



Figure 5. Chalmers' silver denominations (top to bottom): Shilling (ANS 1941.149.8), sixpence (ANS 1950.50.1), and threepence (ANS 1950.50.2).

Like the U.S. Mint later on, which minted half dollars, dimes, and half dimes—and eschewed the 8-*reales* (dollars) and 2-*reales* (quarter dollars) that the Mexican mints produced in abundance—Chalmers (and his fellow silversmith, Standish Barry) knew that the key to success was to “hit ‘em where they ain’t.” Thus his denominations fit in around the pistareens and their fractions, often cut, that circulated abundantly in Maryland:

Coin	Value in Maryland Currency (dollar = 90 pence)	Value in Federal Currency (dollar = 100 cents)
Pistareen (2 <i>reales plata provincial</i>)	18 pence	20 cents
Chalmers shilling	12 pence	13.3 cents
Half pistareen (<i>real plata provincial</i> "[short] bit")	9 pence	10 cents
Chalmers sixpence	6 pence	6.67 cents
Quarter pistareen (1/2 <i>real [medio] plata provincial</i> "sharp-shin")	4 ½ pence	5 cents
Chalmers and Barry threepence	3 pence	3.3 cents

In this article I have sought to show that his religious vocation was central to Chalmers' personality. His convictions are expressed in his coinage, with an image derived from Matthew 10:16 as the principal type.

The function of the Chalmers coins has also been misunderstood by writers who have assumed that, because of their low fineness, Chalmers was reaping a large profit by debasing the metal. Actually, the fineness is consistent with his metal source, the cut pistareens.

Finally, a transcription and retranslation of Schöpf is added as an appendix to make this source accessible to a new generation of researchers, including the important final line that was omitted from the Mickley/Crosby version.

Appendix: Johann David Schöpf's Comments about Chalmers' Coins

Johann David Schöpf,⁴⁰ born 1752, studied medicine at the University of Erlangen, receiving in 1776 the degree of Dr. med. Since his interests went far beyond medicine to all questions of natural history, he seized the opportunity to learn about the flora and fauna of a new continent by serving as army surgeon for the German auxiliaries of Brandenburg-Ansbach that were hired by George III to fight in the American Revolution.⁴¹ He arrived in New York City on June 4, 1777. During the Revolution he spent his time in British garrisons and military hospitals and only saw Rhode Island, some of Long Island, New York City, and Philadelphia. Once peace was declared he began a trip through New Jersey, Pennsylvania (as far as Pittsburgh), Maryland (he visited Annapolis in October 1783), and Delaware, and then embarked on another journey that took him all the way south to Virginia, the Carolinas, and Florida. He crossed over to the Bahamas, where he boarded a ship for England. After returning to Bayreuth he published his account of his travels and numerous works on natural history, notably a study of turtles that was only published after his death. He was only 48 when he died in 1800.⁴²

40 A name that is spelled with an umlaut can also be spelled by adding the letter "e" after the vowel; thus Schöpf's name also appears, especially in English language sources, as Schoepf.

41 Although generally known as the "Hessians," these German auxiliaries came from several German states besides Hesse-Kassel, such as the Principality of Brunswick-Wolfenbüttel and the Margraviate of Brandenburg-Ansbach.

42 Friedrich Ratzel, "Johann David Schöpf," *Allgemeine Deutsche Biographie* 32 (1891): 350-352; Wolf-Dieter Müller-Jahncke, "Johann David Schoepf," *Neue Deutsche Biographie* 23(2006): 427-428.

The text about Chalmers from his travel book (Figs. 6–7, below) was translated by Joseph Mickley for Sylvester Sage Crosby.⁴³ Another English translation, by Alfred J. Morrison, was published in 1911.⁴⁴ Mickley's translation is an accurate one that closely tracks the original text. The 1911 translation by Morrison takes more liberties and strays into error. I felt it advisable to do a new translation to bring a fresh pair of eyes to the text, although the result is not that different from Mickley's version. Mickley (or Crosby) did omit the final sentence, which has an important description of the actual coin.

German Text

Annapolis hat unter den vereinigten Staaten die Ehre, die erste Silber-Scheidemünze geliefert zu haben. Ein hiesiger Goldschmidt münzet für seine eigene Rechnung, aber doch mit Bewilligung der Obrigkeit. Nach dem Verfall des Papiergeldes, und bey dem allgemeinen Mangel an Scheidemünze, war es durch ganz Amerika gewöhnlich und nothwendig worden, die spanischen Thaler in zwey, vier, oder mehrere Theile zu zerschneiden, und die Stücke davon für Scheidemünze gelten zu lassen. Dieses Zerstücken wurde bald zu einem vortheilhaften Gewerbe unter den Händen geschickter Schneider, die 5 Viertel oder 9 und 10 Achtheile aus einem runden Thaler zu schneiden wußten, so daß sich bald jedermann weigerte, diese Art Münze anders, als nach Gewicht, oder nach Gutdünken anzunehmen; der Verlegenheit dieser eckichten Münze los zu werden, hilft man gedachter Goldschmidt ab, welcher sie gegen runde selbstgefertigte mit gutem Vortheile einwechselt. Auf dem Avers seiner Schillinge und halben Schillinge, stehet sein Name, I. Chalmers. Annapolis; in der Mitte zwey in einander greifende Hände; auf dem Revers: One Shilling. 1783. und zwey sich schnäbelnde Tauben.

English Translation

Among the United States Annapolis has the honor of having supplied the first silver fractional coins. A goldsmith here mints on his own account, but with the consent of the authorities ["Bewilligung der Obrigkeit"]. After the collapse of the paper currency and the general lack of fractional coinage, it became customary and necessary throughout America to cut up the Spanish dollar into two, four, or more, parts, and to treat the pieces as if they were fractional coins. This chopping up into pieces soon became a profitable business for certain clever cutters, who knew how to cut 5 quarters or 9 and 10 eighths out of a round dollar, so that everyone soon refused to take these coins unless by weight or how good they seemed to them; the aforementioned goldsmith helps with the difficulty of getting rid of these square edged coins by exchanging them for round ones that he has made himself with a good advantage. On the obverse of his shillings and half shillings there is his name I. Chalmers. Annapolis; in the center two clasped hands; on the reverse One Shilling. 1783. and two billing doves.

Johann David Schöpf, *Reise durch einige der mittlern und südlichen vereinigten nordamerikanischen Staaten nach Ost-Florida und den Bahama-Inseln unternommen in den Jahren 1783 und 1784* (Erlangen, 1788): 1: 568.

⁴³ Sylvester S. Crosby, *The Early Coins of America* (Boston, 1875): 329-330.

⁴⁴ Johann David Schöpf, *Travels in the Confederation* [1783-1784] trans. and ed. Alfred J. Morrison (Philadelphia, 1911): 369.

R e i s e
durch einige der mittlern und südlichen
vereinigten
nordamerikanischen Staaten
nach Ost-Florida und den Bahama-Inseln
unternommen in den Jahren 1783 und 1784
von
J o h a n n D a v i d S c h ö p f
b. A. D. D. Hochfürstl. Brandenb. Anolzh. und Culmb. Hof- und
Militär-Medicus, Landphysikus, des Medic. Colleg. zu Bayreuth Rath
und der Gesellschaft naturforschender Freunde zu Berlin Mitglied.



Erster Theil.

Mit einem Landhärtschen.

E r l a n g e n
bey Johann Jacob Palm. 1788.

156/49/724

Figure 6. Frontispiece from Johann David Schöpf's *Reise durch einige der mittlern und südlichen vereinigten nordamerikanischen Staaten nach Ost-Florida und den Bahama-Inseln unternommen in den Jahren 1783 und 1784* (Erlangen, 1788).

568

Annapolis.

Annapolis hat unter den vereinigten Staaten die Ehre, die erste Silber-Scheidmünze geliefert zu haben. Ein hiesiger Goldschmidt münzet für seine eigene Rechnung, aber doch mit Bewilligung der Obrigkeit. Nach dem Verfall des Papiergeldes, und bey dem allgemeinen Mangel an Scheidemünze, war es durch ganz Amerika gewöhnlich und nothwendig worden, die spanischen Thaler in zwey, vier, oder mehrere Theile zu zerschneiden, und die Stücke davon für Scheidemünze gelten zu lassen. Dieses Zerstücken wurde bald zu einem vortheilhaften Gewerbe unter den Händen geschickter Schneider, die 5 Viertel oder 9 und 10 Achttheile aus einem runden Thaler zu schneiden wußten, so daß sich bald jedermann weigerte, diese Art Münze anders, als nach Gewicht, oder nach Gutdünken anzunehmen; der Verlegenheit dieser echten Münze los zu werden, hilft nun gedachter Goldschmidt ab, welcher sie gegen runde selbstgefertigte mit gutem Vortheile einwechselt. Auf dem Avers seiner Schillinge und halben Schillinge, stehet sein Name J. Chalmers. Annapolis; in der Mitte zwey in einander greifende Hände; auf dem Revers: One Shilling. 1783. und zwey sich schnäbelnde Tauben.

Figure 7. Original German text discussing John Chalmers and his coins from Johann David Schöpf's *Reise durch einige der mittlern und südlichen vereinigten nordamerikanischen Staaten nach Ost-Florida und den Bahama-Inseln unternommen in den Jahren 1783 und 1784* (Erlangen, 1788).

CHALMERS SILVER IN THE COLLECTION OF THE AMERICAN NUMISMATIC SOCIETY

by
Oliver D. Hoover; Burlington, Ontario

Introduction

John Chalmers was an Annapolis goldsmith who was also a pillar of the community. He had served as a captain in the Continental Army during the Revolution, a religious man of some repute, and a member of the common council of Annapolis in 1783. In this year, Chalmers produced his own silver shillings, sixpences, and threepences to fill a void in the circulating medium created by public fear of unfairly cut silver fractions. The shilling featured two clasped hands on the obverse and a serpent and two doves sharing a worm on the reverse. The sixpence depicted a star within a wreath and the clasped hands at the center of a long cross imitating that of the cross pistareen, while the threepence featured clasped hands and a branch within a wreath. What is believed to have been a pattern shilling struck for an abortive proposal to the Continental Congress during its presence in Annapolis in 1783-1784 featured an obverse depicting the Eye of Providence and the clasped hands and a reverse of thirteen interlinked rings with stars.

The ANS cabinet includes a complete set of authentic Chalmers' denominations consisting of two shillings (long and short worm varieties), a sixpence, and a threepence. The short worm shilling (No. 2) was purchased from E. H. Adams in 1912 for the princely sum of \$10. The short worm variety (No. 1) came later, in 1941, as part of a group sold to the Society by A. Kosoff. This shilling came with a Mark Newby "farthing," eight Peruvian and Venezuelan silver coins of the eighteenth and early nineteenth centuries as well as four European medals, all for \$87. The sixpence and threepence (Nos. 3-4) were purchased together from D. M. Bullowa in 1950.

In addition to these authentic pieces, the ANS also possesses three false shillings and two false sixpences made in more modern times. The earliest of the three (No. 5) was a gift of Catherine E. Bullowa-Moore in 1976 while the second (No. 6) was part of a collection of 365 electrotypes and reproductions of American coins donated by Mr. and Mrs. R. Byron White in 1989. Some of the pieces in this collection were subsequently discovered to be genuine, but not the Chalmers shilling. The third false shilling (No. 7) is an electrotype of Chalmers' pattern. This remarkable piece was a gift of G. F. Ulex in 1879.

Both of the sixpences (Nos. 8-9) are casts of an original coin that was holed and plugged. The first (No. 8) came to the Society in 1938 as part of the 470-piece Defendorf collection, which was primarily made up of European gold. The second specimen (No. 9) was a gift of R. Henry Norweb Jr. in 1989. Norweb served as president of the ANS from 1990 to 1994, but is most well known for the sale of the impressive Norweb family coin collection at auction in 1987 and 1988.

Catalog***Shillings***

Obv. + I. CHALMERS, ANNAPOLIS. Two clasped hands within wreath. *Rev.* + ONE SHILLING 8 1783 8. Serpent right above ground, two doves sharing worm.

1. 22mm, 55.0 grains. Short worm variety. Breen 1011. ANS 1941.149.8.
2. 22mm, 44.4 grains. Long worm variety. Breen 1012. ANS 1912.41.1.

Sixpence

Obv. I. CHALMERS, ANNAPOLIS. Star within wreath *Rev.* I. C. SIX PENCE 1783. Two clasped hands in center of long cross with alternating star or crescent at ends and leaf in each quarter.

3. 17mm, 27.8 grains. Breen 1017. ANS 1950.50.2.

Threepence

Obv. * I. CHALMERS, ANNAP'S. Two clasped hands. *Rev.* I. C. SIX PENCE 1783. Branch within wreath.

4. 13mm, 10.8 grains. Breen 1018. ANS 1950.50.1.

False Shillings

Obv. + I. CHALMERS, ANNAPOLIS. Two clasped hands within wreath. *Rev.* + ONE SHILLING 8 1783 8. Serpent right above ground, two doves sharing worm.

5. 22mm, 46.1 grains. ANS 1976.196.1.
6. 21mm, 47.8 grains. ANS 1989.99.29.

False Pattern Shilling

Obv. + I. CHALMERS, ANNAPOLIS. Equal to one shi. above clasped hands within wreath. *Rev.* Eye of providence within thirteen interlinked rings, eleven with star within.

7. 22mm, 56.1 grains. ANS 1879.7.1.

False Sixpence

Obv. I. CHALMERS, ANNAPOLIS. Star within wreath *Rev.* I. C. SIX PENCE 1783. Two clasped hands in center of long cross with alternating star or crescent at ends and leaf in each quarter.

8. 17mm, 19.9 grains. ANS 1938.127.187.
9. 17mm, 27.8 grains. ANS 1989.38.1.

CHALMERS SILVER IN THE COLLECTION OF
THE AMERICAN NUMISMATIC SOCIETY

Plate



1



2



3



4



5



6



7



8



9

NEW JERSEY COPPERS IN THE COLLECTION OF THE AMERICAN NUMISMATIC SOCIETY

Plate XV: 1787 (Maris 56-n)

by
Oliver D. Hoover; Burlington, Ontario¹

Introduction

The partnership of Walter Mould, Thomas Goadsby, and Albion Cox received a two-year contract to produce three million copper coins for the state of New Jersey on June 1, 1786. Their coins carried the obverse type of a horse head and plow derived from the state seal and an American shield on the reverse. The legends give the Latin name of the state (NOVA CAESAREA) and present the national motto of the United States (E PLURIBUS UNUM) for the first time on any coin. By the Fall of 1786 the partners had fallen into disagreement and divided the coinage quota between a mint operated by Goadsby and Cox at Rahway, near Elizabethtown (now Elizabeth), NJ, and another operated by Mould near Morristown, NJ. Further problems developed in 1788. Mould ceased his involvement with the coinage at this time and Cox faced litigation by his creditors and by Goadsby, which resulted in the seizure of the mint equipment. By the middle of the year, the remainder of the coining contract and the Rahway mint equipment had been obtained by Matthias Ogden, the primary mover behind the New Jersey coinage legislation. Despite having access only to dies dated 1786 and 1787, Ogden continued to strike New Jersey coppers at his barn in Elizabethtown until as late as 1790.

The American Numismatic Society's holdings of New Jersey coppers are extensive, thanks to the New Jersey Historical Society's donation of duplicates from the Frederick Canfield collection (24 pieces) in 1931 and the purchase of a large part of the Harry Prescott Clark Beach collection (829 pieces) from Henry Grünthal in 1945. Grünthal, who had studied numismatics in Germany, later went on to become Assistant to the Chief Curator and Curator of European and Modern Coins at the ANS from 1953 to 1973. Most of the die varieties identified by Edward Maris in *A Historic Sketch of the Coins of New Jersey* (Philadelphia, 1881) may be found in the ANS collection. For a complete listing of varieties discovered since 1881, see now, Roger Siboni, John Howes, and Buell Ish, *New Jersey State Coppers* (New York, 2013).

On this fifteenth plate in a series to fully publish the New Jersey coppers belonging to the American Numismatic Society, one comes from the Beach collection purchased from Grünthal in 1945 (No. 141) and four others from the same seller in 1974 (Nos. 142–145). The remaining five coins all entered the Society's cabinet from the Edward R. Barnsley collection (most well known for Connecticut coppers) generously donated by James C. Spilman and the Colonial Newsletter Foundation in 2005 (Nos. 146–150).

The plate consists entirely of the Maris 56-n variety which was frequently overstruck on other state coppers, here primarily Connecticut issues.

¹ The commentary has benefited from discussion with Louis Jordan, Philip Mossman, and Ray Williams.

Catalog

Obv. NOVA CÆSAREA, around. Head of horse right, above plow right; in exergue, 1787.

Rev. *E*PLURIBUS*UNUM*, around. American shield emblazoned with a field of argent, six pales gules, and a chief azure.

Maris 56-n

- 141. 28mm, 127 grains. Overstruck on a Connecticut copper. ANS 1945.42.728.
- 142. 28mm, 106.2 grains. Overstruck on a Connecticut copper. ANS 1974.177.16.
- 143. 28mm, 111.8 grains. Overstruck on a Connecticut copper. ANS 1974.177.17.
- 144. 28mm, 129.6 grains. Overstruck on a Connecticut copper. ANS 1974.177.18.
- 145. 28mm, 118.2 grains. Overstruck on a Connecticut copper. ANS 1974.177.19.
- 146. 28mm, 119.9 grains. Overstruck on a Connecticut copper. ANS 2005.37.182.
- 147. 29mm, 135.8 grains. Overstruck on a Connecticut copper. ANS 2005.37.217.
- 148. 29mm, 137.1 grains. Overstruck on a Connecticut copper. ANS 2005.37.225.
- 149. 29mm, 147.88 grains. Overstruck on a Connecticut copper. ANS 2005.37.235.
- 150. 29mm, 114 grains. Overstruck on a Connecticut copper. ANS 2005.37.243.

NEW JERSEY COPPERS IN THE COLLECTION OF
THE AMERICAN NUMISMATIC SOCIETY

Plate XV: 1787
(Maris 56-n)



141



142



143



144



145



146



147



148



149



150

CONNECTICUT COPPERS IN THE COLLECTION OF THE AMERICAN NUMISMATIC SOCIETY

**Plate XV: 1786
(Miller 5.2-I to 5.2-L)**

**by
Oliver D. Hoover; Burlington, Ontario¹**

Introduction

The Confederation period copper coinage of the state of Connecticut was legally struck in New Haven by the Company for Coining Coppers from November 12, 1785, to June 1, 1787. From June 1, 1787, to the Fall of 1788, Connecticut coppers continued to be struck by James Jarvis and Company. The types essentially consisted of modified versions of the royal bust obverse and Britannia reverse familiar from contemporary English halfpence. The Latin regal legends were replaced by new ones that identified the coppers as being issued by the authority of Connecticut (AUCTORI CONNEC) and advertised American independence and liberty (INDE ET LIB). This coinage was popular, spawning imitative issues struck for Vermont and numerous illegal counterfeits. The problem of counterfeiting combined with apparent mint irregularities led to a state inquest in January of 1789. On June 20, 1789, the right to produce state coppers for Connecticut was officially terminated by the federal government.

The collection of Connecticut coppers maintained by the American Numismatic Society may be one of the most complete in existence and contains the vast majority of the die varieties recorded in Henry C. Miller's *The State Coinage of Connecticut* (New York, 1920). The Society's Connecticut holdings are so extensive due to two major gifts in the early twentieth and twenty-first centuries. In 1931, the Frederick Canfield collection of Connecticut coppers (285 pieces) was loaned and subsequently donated to the ANS by the New Jersey Historical Society. In 2005, the American Numismatic Society acquired the Connecticut collection of Edward R. Barnsley (1131 pieces) thanks to the generosity of James C. Spilman and the Colonial Newsletter Foundation.

This fifteenth plate in a series to fully publish the Connecticut coppers in the ANS cabinet features six coins from the Barnsley/CNLF gift (Nos. 141–143 and 145–148). One coin (No. 144) was a gift of Herbert A. Silberman in 1977. Silberman was perhaps best known for his interest in large cents and New Jersey coppers, which resulted in several books and articles. The final two coins in the plate (Nos. 149–150) lack all provenance information.

Coin no. 149 has a white painted die variety (PDV) on the obverse giving the Miller number. It's similarity to PDVs found on known specimens from the Canfield collection may indicate that it is a Canfield piece that has lost its provenance information. Coin no. 150, however, carries the obverse die variety in black ink.

¹ The commentary has benefited from discussion with Randy Clark, Louis Jordan, and Philip Mossman.

Catalog

Obv. Legend as indicated. Laureate and cuirassed bust left, imitating regal halfpence of George II.

Rev. Legend as indicated. Liberty/Columbia/Connecticut seated left on globe, holding olive branch and pole topped by liberty cap; grounded shield beside. In exergue, 1786.

Miller 5.2-I

141. 29mm, 138.7 grains. AUCTORI: CONNEC: / INDE: -:- ET·LIB:..ANS 2005.37.439.

142. 28mm, 136.5 grains. AUCTORI: CONNEC: / INDE: -:- ET·LIB:..ANS 2005.37.440.

143. 28mm, 111.7 grains. AUCTORI: CONNEC: / INDE: -:- ET·LIB:..ANS 2005.37.441.

Miller 5.2-L

144. 29mm, 112.6 grains. AUCTORI: CONNEC: / INDE: ET·LIB:..ANS 1977.197.1.

145. 29mm, 137.9 grains. AUCTORI: CONNEC: / INDE: ET·LIB:..ANS 2005.37.155.

146. 28mm, 122.5 grains. AUCTORI: CONNEC: / INDE: ET·LIB:..ANS 2005.37.442.

147. 28mm, 121.6 grains. AUCTORI: CONNEC: / INDE: ET·LIB:..ANS 2005.37.443.

148. 29mm, 118.2 grains. AUCTORI: CONNEC: / INDE: ET·LIB:..ANS 2005.37.1145.

149. 28mm, 107.4 grains. AUCTORI: CONNEC: / INDE: ET·LIB:.. Painted Miller die variety 5³ L in obverse left field. ANS 0000.999.19834.

150. 29mm, 147.5 grains. AUCTORI: CONNEC: / INDE: ET·LIB:.. Inked Miller die variety 5 3 written vertically on obverse. ANS 0000.999.19835.

CONNECTICUT COPPERS IN THE COLLECTION OF
THE AMERICAN NUMISMATIC SOCIETY

Plate XV: 1786
(Miller 5.2-I to 5.2-L)



141



142



143



144



145



146



147



148



149



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MASSACHUSETTS BAY SILVER IN THE COLLECTION OF THE AMERICAN NUMISMATIC SOCIETY

Plate VIII: Pine Tree Shillings (Noe 1 to 2 / Salmon 1-A to 2-C)

by
Oliver D. Hoover; Burlington, Ontario¹

Introduction

On May 26–27, 1652, the Massachusetts General Court issued Acts for the establishment of a silver mint in Boston as a measure of protection against the increasing problem of light weight Spanish-American cobs circulating in Massachusetts Bay. The Boston silversmiths, John Hull and Robert Sanderson were appointed to operate the mint. They were required to produce coins of sterling (.925) fineness in English denominations, but at a reduced weight standard of 72 grains to the shilling. The official weight of the contemporary English shilling was 92.9 grains.

Between 1652 and 1682, Hull and Sanderson struck four series of silver coins for Massachusetts Bay. The earliest of these, produced in June–October 1652, consisted of crude, blank planchets marked with two stamps: NE for New England on the obverse and a value mark in Roman numerals on the reverse. Legislation was passed, on October 19, 1652, to abandon this simple design in favor of a more coin-like design produced by full-size dies. The obverse of the new coinage featured a willow tree, while the English legend, MASATHVSETS IN / NEW ENGLAND AN DOM was placed in the border, broken between the obverse and reverse. The 1652 date of the original mint legislation and the value indicator also appeared in the center of the reverse. The willow tree coinage continued in production until c. 1660 or 1662, when the willow on the obverse was replaced by an oak tree. The change in tree was also accompanied by a change in production technology. While the willow tree coinage had been struck by hand, the new oak tree series was struck in a rocker arm press. In c. 1667, the tree was again changed, this time from an oak to a pine. The pine tree coinage—the most enduring of the Massachusetts silver series—was struck until 1682, when the mint contract expired. Hull died the following year. Although sporadic attempts were made to revive the mint until 1690, these were quashed by the restored Stuart kings, Charles II (1659–1685) and James II (1685–1688), and finally put to rest by the increased value of silver and restored confidence in Spanish-American coins at the end of the 1680s.

The cabinet of the American Numismatic Society is home to some 151 authentic pieces of Massachusetts Bay silver of all four series, as well as a large selection (70 pieces) of electrotypes and fakes. The core of the collection is almost certainly the 51 pieces donated by the prominent New York collector, William B. Osgood Field, in 1946. The ANS collection includes most of the varieties identified by Sydney P. Noe in his three major studies: *The New England and Willow Tree Coinage* (1943), *The Oak Tree Coinage of Massachusetts* (1947), and *The Pine Tree Coinage of Massachusetts* (1952), as well as in Christopher Salmon's *The Silver Coins of Massachusetts* (2011).

¹ The commentary has benefited from discussion with Louis Jordan, Philip Mossman, and Christopher Salmon.

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~~This eighth plate in a series to fully publish the Massachusetts Bay silver coins belonging to the~~
American Numismatic Society features eight large planchet Oak Tree shillings. Six represent the Noe 1/Salmon 1-A variety and two the Noe 2/Salmon 2-C variety. At present the ANS lacks an example of Noe 2.5/Salmon 1a-B variety. Four coins (Nos. 61–63 and 67) came from the Osgood Field gift in 1946. One (No. 60) was donated by A. Baldwin in 1911 and another came from Henry Grünthal in 1947. A clipped specimen (No. 65) was a gift of G. A. Spater in 1970. No provenance details are available for coin no. 66 other than that it entered the Society's collection in 1923.

Catalog

Shillings

Obv. Oak tree. MASATHVSETS·IN* around.

Rev. 1652 XII in center. NEWENGLAND·AN·DOM* around.

Noe 1/Salmon 1-A

- 60. 29mm, 69.7 grains. ANS 1911.104.3.
- 61. 30mm, 71.2 grains. ANS 1946.89.49.
- 62. 30mm, 71.2 grains. ANS 1946.89.50.
- 63. 28mm, 57.5 grains. ANS 1946.89.51.
- 64. 28mm, 67 grains. ANS 1947.8.1.
- 65. 29mm, 38 grains. Clipped. ANS 1970.56.1.

Obv. Oak tree. MASATHVSETS·IN· around.

Rev. 1652 XII in center. NEWENGLAND·AN·DOM· around.

Noe 2/Salmon 2-C

- 66. 27mm, 71.4 grains. ANS 1923.999.161.
- 67. 29mm, 72.6 grains. ANS 1946.89.52.

**MASSACHUSETTS BAY SILVER IN THE COLLECTION OF
THE AMERICAN NUMISMATIC SOCIETY**

**Plate VIII: Pine Tree Shillings
(Noe 1 to 2 / Salmon 1-A to 2-C)**



60



61



62



63



64



65



66



67